

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CIVIL ACTION NO.: 1:11-CV-02708 (AKH)

TRIARCH ARCHITECTURAL SERVICES,

Plaintiff,

-vs-

MEDALLION, INC., VLADIMIR VORONCHENKO
and GARTH HAYDEN ARCHITECT,

Defendant.

VIDEOTAPED DEPOSITION OF PEPE CALDERIN

Wednesday, July 25, 2012
2:10 p.m. to 4:36 p.m.
201 S. Biscayne Blvd., Suite 1205
Miami, Florida

Stenographically Reported By:
FELICIA C. ORTEGA, FPR
Florida Professional Reporter

<p>2</p> <p>1 APPEARANCES</p> <p>2 On Behalf of the Plaintiff:</p> <p>3 MANDEL BHANDARI, LLP</p> <p>4 11 Broadway</p> <p>5 New York, New York 10004</p> <p>6 (Via Telephone)</p> <p>7 BY: EVAN MANDEL, ESQUIRE</p> <p>8</p> <p>9 On Behalf of the Defendant Medallion, Inc. and Vladimir</p> <p>10 Voronchenko:</p> <p>11 SAM P. ISRAEL, P.C.</p> <p>12 1 Liberty Plaza, 23rd Floor</p> <p>13 New York, New York 10006</p> <p>14 (Via Telephone)</p> <p>15 BY: SAM P. ISRAEL, ESQUIRE</p> <p>16</p> <p>17 On Behalf of the Defendant Garth Hayden Architect:</p> <p>18 GOGICK, BYNRE & O'NEILL, LLP</p> <p>19 11 Broadway, Suite 1560</p> <p>20 New York, New York 10004</p> <p>21 (Via Telephone)</p> <p>22 BY: ALBERT WESLEY MCKEE, ESQUIRE</p> <p>23 Also Present: JASON COOPER, VIDEOGRAPHER</p> <p>24</p> <p>25</p>	<p>4</p> <p>1 Deposition taken before FELICIA C. ORTEGA,</p> <p>2 Florida Professional Reporter and Notary Public</p> <p>3 in and for the State of Florida at Large in the</p> <p>4 above cause.</p> <p>5 * * * * *</p> <p>6 THE VIDEOGRAPHER: We are now on the video</p> <p>7 record. Today is Wednesday, July 25, 2012. The</p> <p>8 time is approximately 2:10 p.m.</p> <p>9 We're here for the videotaped deposition of</p> <p>10 Pepe Calderin, Case Number 11CV02708, Triarch</p> <p>11 Architectural Services, PC versus Medallion,</p> <p>12 Inc., et cetera.</p> <p>13 The videographer is Jason Cooper. The</p> <p>14 court reporter is Felicia Ortega.</p> <p>15 Would counsel please state their appearance</p> <p>16 for the record?</p> <p>17 Counsel.</p> <p>18 Would counsel state their appearance,</p> <p>19 please?</p> <p>20 MR. MANDEL: Evan Mandel on behalf of</p> <p>21 plaintiff.</p> <p>22 MR. MCKEE: Yes, sir. This is Albert</p> <p>23 Wesley McKee on behalf of Garth Hayden</p> <p>24 Architect, one of the defendants.</p> <p>25 MR. ISRAEL: Sam Israel for the defendants</p>
<p>3</p> <p>1 INDEX OF PROCEEDINGS</p> <p>2 Deposition of PEPE CALDERIN Page</p> <p>3 Direct Examination by Mr. McKee 5</p> <p>4 Cross Examination by Mr. Mandel 53</p> <p>5 Certificate of Oath 112</p> <p>6 Certificate of Reporter 113</p> <p>7 Read and Sign Letter 114</p> <p>8 Errata Sheet 115</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>(NO EXHIBITS MARKED)</p>	<p>5</p> <p>1 Medallion, Inc. and Serge Voronchenko -- I'm</p> <p>2 sorry, Vladimir Voronchenko.</p> <p>3 THE COURT REPORTER: Do you swear the</p> <p>4 testimony you are about to give will be the</p> <p>5 truth, the whole truth, and nothing but the</p> <p>6 truth?</p> <p>7 THE WITNESS: Yes.</p> <p>8 THEREUPON,</p> <p>9 PEPE CALDERIN</p> <p>10 having been first duly sworn, was examined and testified</p> <p>11 as follows:</p> <p>12 DIRECT EXAMINATION</p> <p>13 BY MR. MCKEE:</p> <p>14 Q. We are good to proceed?</p> <p>15 A. Yes.</p> <p>16 Q. Mr. Calderin, my name is Wesley McKee. I</p> <p>17 represent Garth Hayden in connection with litigation</p> <p>18 that's pending up in the Southern District of New York.</p> <p>19 Have you ever had your deposition taken before?</p> <p>20 A. Yes.</p> <p>21 Q. How many times?</p> <p>22 A. Once.</p> <p>23 Q. Okay. Well, for purposes of today's</p> <p>24 deposition, it's a series of questions that I will ask</p> <p>25 and you'll answer my questions to the best of your</p>

<p style="text-align: right;">6</p> <p>1 ability.</p> <p>2 I'm not asking you to guess or speculate, do</p> <p>3 you understand that?</p> <p>4 A. Yes.</p> <p>5 Q. If you don't recall, or you don't know, you can</p> <p>6 just indicate that. Okay?</p> <p>7 A. I will.</p> <p>8 Q. Very good.</p> <p>9 All of your responses today have to be</p> <p>10 expressed verbally, for two reasons: Number one, we are</p> <p>11 here remote in New York speaking with you via phone and</p> <p>12 we can't see you. And Number 2, although there is a</p> <p>13 videographer there, the true record of this deposition is</p> <p>14 being recorded on paper and the stenographer needs to</p> <p>15 hear your responses to my questions.</p> <p>16 Do you understand that?</p> <p>17 A. I sure do.</p> <p>18 Q. Great.</p> <p>19 If -- I'll be doing the questioning first.</p> <p>20 If you hear anybody say "objection," that would come from</p> <p>21 one of the other two attorneys. Please wait for the</p> <p>22 attorneys to discuss the nature of the objection before</p> <p>23 we proceed.</p> <p>24 Do you understand?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">8</p> <p>1 of what that means?</p> <p>2 A. I meet with clients. I do the architecture</p> <p>3 layout of floors, ceiling, walls, lighting. If there is</p> <p>4 a need for architect, I, you know, hire my own architect.</p> <p>5 If there is a need for an engineer, I hire my engineer.</p> <p>6 You know, do selections of walls, ceiling, floors,</p> <p>7 furniture, finishings, fittings, you know, on and on.</p> <p>8 Q. I see. And that's the primary focus of your</p> <p>9 business?</p> <p>10 A. It's the only focus of my business.</p> <p>11 Q. And how many years in total have you been</p> <p>12 practicing interior design?</p> <p>13 A. Over 20 years.</p> <p>14 Q. Thank you.</p> <p>15 Did there come a point in time when you became</p> <p>16 aware of an entity by the name of Medallion?</p> <p>17 A. Yes, I did.</p> <p>18 Q. When did you first hear of Medallion?</p> <p>19 A. Maybe -- maybe after -- four or five months</p> <p>20 after I was working on the job.</p> <p>21 Q. After you were working on the job, do you mean</p> <p>22 the job in New York City?</p> <p>23 A. Yes.</p> <p>24 Q. That would be the job located at --</p> <p>25 A. Actually, maybe -- maybe a little before,</p>
<p style="text-align: right;">7</p> <p>1 Q. If for any reason you feel you need to take a</p> <p>2 break to get up and stretch your legs and go get a glass</p> <p>3 of water, you can do so. What I would ask is that if</p> <p>4 there is a question that's pending, that you answer the</p> <p>5 question first before we take a break. Okay?</p> <p>6 A. Yes.</p> <p>7 Q. Great. Mr. Calderin, where are you currently</p> <p>8 employed?</p> <p>9 A. I'm self-employed with Pepe Calderin Design.</p> <p>10 Q. And how long have you been self-employed with</p> <p>11 Pepe Calderin Design?</p> <p>12 A. A little over three years.</p> <p>13 Q. And so that would take us back to around 2009?</p> <p>14 A. I suppose.</p> <p>15 Q. Okay. Immediately prior thereto, where were</p> <p>16 you employed?</p> <p>17 A. Levine, Calderin and Associates. I was a</p> <p>18 partner in a firm.</p> <p>19 Q. And was that a design firm?</p> <p>20 A. Yes, it was.</p> <p>21 Q. Now, what do you mean when you say "design</p> <p>22 firm"?</p> <p>23 A. We do interior design work. Architecture</p> <p>24 interior design work.</p> <p>25 Q. For a layperson, can you give a brief thumbnail</p>	<p style="text-align: right;">9</p> <p>1 because the minute I got my first check, I guess, I must</p> <p>2 have seen that, but I really don't pay attention that</p> <p>3 much.</p> <p>4 So, you know, I find out about them, that the</p> <p>5 name of his company was Medallion maybe two or three</p> <p>6 months after I was into the job.</p> <p>7 Q. And when you say the job, are you talking</p> <p>8 about the --</p> <p>9 A. I'm talking about the apartment in Park Avenue.</p> <p>10 Q. One instruction I didn't give you and I should</p> <p>11 have. You're going to know what my question is before I</p> <p>12 finish it. So you have to let me finish my question even</p> <p>13 if you know what the answer is. Okay?</p> <p>14 A. Okay.</p> <p>15 Q. Thank you.</p> <p>16 And if at any point during the deposition, I</p> <p>17 somehow cut you off or you haven't completed your answer,</p> <p>18 please just indicate that and you can go forward and</p> <p>19 complete your answer. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. Thanks.</p> <p>22 So the job we're talking about was located at</p> <p>23 515 Park Avenue, New York, New York?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. How did you first become aware of that</p>

<p style="text-align: right;">10</p> <p>1 apartment or that job?</p> <p>2 A. I met Mr. Voronchenko in Miami.</p> <p>3 Q. Okay. What was the occasion or what -- why is</p> <p>4 it you met Mr. Voronchenko in Miami?</p> <p>5 A. He saw one of my jobs in Fisher Island and he</p> <p>6 was impressed with the work that I did, so he asked me to</p> <p>7 go to New York and save him from what he had going on</p> <p>8 there.</p> <p>9 Q. I see. About when did that meeting occur with</p> <p>10 Mr. Voronchenko in Miami?</p> <p>11 A. I don't know. I don't know the date.</p> <p>12 Q. I see. When you first met with him, did you</p> <p>13 already have your private practice or were you still with</p> <p>14 Levine?</p> <p>15 A. No, no, I already have my private practice.</p> <p>16 Q. I see. Had you recently begun your private</p> <p>17 practice at that point?</p> <p>18 A. Correct.</p> <p>19 Q. I see. At that first meeting you had with</p> <p>20 Mr. Voronchenko, did he give you any drawings, any</p> <p>21 pictures, anything related to this project up in New</p> <p>22 York?</p> <p>23 A. No.</p> <p>24 Q. What did he tell you about the project in New</p> <p>25 York?</p>	<p style="text-align: right;">12</p> <p>1 this job?</p> <p>2 A. No.</p> <p>3 Q. Okay. How long after that first meeting with</p> <p>4 Mr. Voronchenko did you go to New York to look at the</p> <p>5 job?</p> <p>6 A. Must have been maybe a couple of weeks after.</p> <p>7 Q. So two or three weeks?</p> <p>8 A. Something like that.</p> <p>9 Q. Okay. When you went to New York, did you go by</p> <p>10 yourself?</p> <p>11 In other words, did anybody else from your firm</p> <p>12 go with you?</p> <p>13 A. No, I went by myself.</p> <p>14 Q. I see. When you got to New York, did you go --</p> <p>15 did you meet Mr. Voronchenko at the apartment?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Prior to meeting him at the apartment,</p> <p>18 did you meet with him any place else or was that your</p> <p>19 first meeting in New York with him?</p> <p>20 A. No, I think that was my first meeting.</p> <p>21 Q. I see. Prior to going to the apartment and</p> <p>22 meeting with Mr. Voronchenko, did you meet with anybody</p> <p>23 else?</p> <p>24 A. Yes. Gary was there.</p> <p>25 Q. Gary Braverman?</p>
<p style="text-align: right;">11</p> <p>1 A. That he was unhappy with -- with the firm that</p> <p>2 he was using.</p> <p>3 Q. When you say "the firm he was using", what kind</p> <p>4 of firm are you talking about?</p> <p>5 A. I guess it was an interior design firm, because</p> <p>6 he really never -- you know, we never went into</p> <p>7 discussion of what type of firm it was.</p> <p>8 Q. I see. Did he give you the name of that firm?</p> <p>9 A. No, he did not.</p> <p>10 Q. Did he indicate how long he had worked with</p> <p>11 that firm?</p> <p>12 A. I'm sorry. Can you repeat that question again?</p> <p>13 Q. Yes.</p> <p>14 Did he -- did Mr. Voronchenko tell you how long</p> <p>15 he had been working with that other interior design firm?</p> <p>16 A. No, he did not.</p> <p>17 Q. Did he give you any specifics as to why he was</p> <p>18 unhappy or dissatisfied with their work?</p> <p>19 A. He wanted something different and, you know,</p> <p>20 and more updated. I really -- he didn't really -- he</p> <p>21 just liked my job. He wanted me to go see the job in New</p> <p>22 York and that's what I did.</p> <p>23 Q. Okay. And before we get -- before we leave</p> <p>24 Miami. While you were still in Miami before you went to</p> <p>25 the job the first time, were you sent anything related to</p>	<p style="text-align: right;">13</p> <p>1 A. Yes.</p> <p>2 Q. He was at the apartment?</p> <p>3 A. I think so, yes.</p> <p>4 Q. Was anybody else at the apartment?</p> <p>5 A. Not that I recall.</p> <p>6 Q. Okay. When you went to the apartment that</p> <p>7 first time and met with Mr. Braverman and</p> <p>8 Mr. Voronchenko --</p> <p>9 A. Maybe there was somebody else.</p> <p>10 I'm sorry, can I interrupt?</p> <p>11 Q. Of course.</p> <p>12 A. Maybe the contractor was there. I'm not</p> <p>13 completely sure, but maybe he was there, too.</p> <p>14 Q. I see. Now, when you say "the contractor", do</p> <p>15 you recall that individual's name?</p> <p>16 A. I know he's here in one of the papers that I --</p> <p>17 in one of the e-mails that we refer to him.</p> <p>18 Is it Libracon or something like that?</p> <p>19 What's his name?</p> <p>20 Q. Does the name Dragan --</p> <p>21 A. Dragan, that's it.</p> <p>22 MR. McKEE: For the stenographer, that's</p> <p>23 D-R-A-G-A-N, Dragan. Tatalovic,</p> <p>24 T-A-T-A-L-O-V-I-C.</p> <p>25 BY MR. McKEE:</p>

<p style="text-align: right;">14</p> <p>1 Q. To your recollection, he was a contractor?</p> <p>2 A. Yes, I knew that he was the contractor.</p> <p>3 Q. Right. And you think that he may have been at</p> <p>4 that first meeting?</p> <p>5 A. I'm almost sure that he was.</p> <p>6 Q. Okay. So at that first meeting, what -- what</p> <p>7 did Mr. Voronchenko say to you at all about the -- any</p> <p>8 prior work that was done by the interior designer, the</p> <p>9 other interior designer?</p> <p>10 A. There was nothing done.</p> <p>11 Q. What was the -- what was the condition of the</p> <p>12 apartment when you got there?</p> <p>13 A. It was raw.</p> <p>14 Q. What?</p> <p>15 A. No floor, no walls, no ceilings. You know,</p> <p>16 it was nothing in there. An old kitchen I think they</p> <p>17 have.</p> <p>18 Q. So other than the kitchen, had the space been</p> <p>19 gutted? Had the interior partitions been removed?</p> <p>20 A. Well, there were -- no, there were partitions</p> <p>21 in there, but not all -- not all the partitions that I</p> <p>22 drew in my plans were removed. They were done later on,</p> <p>23 so there was -- no, there was nothing removed.</p> <p>24 Q. Okay, so it was the existing -- existing</p> <p>25 apartment with no improvements?</p>	<p style="text-align: right;">16</p> <p>1 A. They wanted me to design the apartment.</p> <p>2 Q. And when you say "design the apartment", what</p> <p>3 does that mean?</p> <p>4 A. You know, floors, walls, ceilings, lighting.</p> <p>5 You know, there was nothing there.</p> <p>6 Q. I see. So could -- could you say that would</p> <p>7 be -- they -- they wanted you to provide them with --</p> <p>8 with colors and textures and materials?</p> <p>9 A. To provide them with flooring, walls,</p> <p>10 furniture, drapes, all the bathrooms, all the bedrooms,</p> <p>11 furniture for the bedrooms.</p> <p>12 Q. Okay. At that first meeting, did they give</p> <p>13 you -- putting aside whether they said it was from any</p> <p>14 prior interior designer or not, did they give you any --</p> <p>15 any pictures, any computer renderings, any cuts from</p> <p>16 magazines, anything to show you what it was that they had</p> <p>17 in mind?</p> <p>18 A. No. He explained to me what he had in mind.</p> <p>19 Q. I see. Was there a particular style that you</p> <p>20 might categorize that as?</p> <p>21 A. Actually, he -- he liked art deco, but we ended</p> <p>22 up doing -- I don't even know what to call it. I guess</p> <p>23 it was a modern, modern Vladimir deco. I mean, we did</p> <p>24 something unique that it was not, you know, a real set</p> <p>25 style. We got furniture. I mean, I spent a whole year</p>
<p style="text-align: right;">15</p> <p>1 A. Correct.</p> <p>2 Q. Okay. What, if anything, did Mr. Braverman say</p> <p>3 to you about the prior interior designer at that first</p> <p>4 meeting?</p> <p>5 A. We -- we never really talked about anybody</p> <p>6 prior. I mean, there was nothing to talk about. I</p> <p>7 believe Voronchenko was unhappy with whatever prior</p> <p>8 designer did and he wanted something new.</p> <p>9 Q. Did he, Mr. Voronchenko or Mr. Braverman, show</p> <p>10 you any pictures that they indicated had been prepared,</p> <p>11 any pictures, drawings, any other depictions --</p> <p>12 A. No.</p> <p>13 Q. -- prepared by the prior interior designer to</p> <p>14 show you what had been done so you would know what it was</p> <p>15 that they didn't like?</p> <p>16 A. I don't think he showed me anything in</p> <p>17 referring to pictures or any kind of drawings.</p> <p>18 Q. Okay. What about Mr. -- what about Dragan?</p> <p>19 Did Dragan say anything to you at all about prior designs</p> <p>20 which may have been done?</p> <p>21 A. No.</p> <p>22 Q. All right. So what did -- specifically, if you</p> <p>23 can recall, what did Mr. Voronchenko or Mr. Braverman</p> <p>24 tell you that it was that they were looking for you to</p> <p>25 do?</p>	<p style="text-align: right;">17</p> <p>1 looking for furniture for this man.</p> <p>2 Q. Yes. Now, what did you do after that initial</p> <p>3 meeting?</p> <p>4 A. I went back to Miami and I started working on,</p> <p>5 you know, more or less a set of plans that I could, you</p> <p>6 know, then go back and talk to him about it.</p> <p>7 Q. I see. And how long was it before you took</p> <p>8 your next trip up to New York?</p> <p>9 A. I think he came down to Miami and we met in</p> <p>10 Miami a couple of times, and I went to New York a couple</p> <p>11 of times, but I really cannot tell you dates. I mean,</p> <p>12 it was in the process of the job and we really</p> <p>13 communicated more through e-mails and -- than anything</p> <p>14 else.</p> <p>15 Q. Yes. Okay. And at any point did</p> <p>16 Mr. Voronchenko or Mr. Braverman provide you with any</p> <p>17 drawings from -- that appeared to have been prepared by</p> <p>18 any other entity?</p> <p>19 A. Well, he had -- I received things from somebody</p> <p>20 from Russia.</p> <p>21 Q. Yes.</p> <p>22 A. And somebody from Italy.</p> <p>23 Q. Now, I provided to you by mail prior to today's</p> <p>24 deposition some premarked exhibits.</p> <p>25 Do you have those with you?</p>

<p style="text-align: right;">18</p> <p>1 A. I have a few set of different things here, yes.</p> <p>2 I have the ones that you sent me originally --</p> <p>3 Q. Yes.</p> <p>4 A. -- which one is Garth Hayden Architect, and</p> <p>5 then that's the set of plans, and then there was the</p> <p>6 things that I sent to you or to somebody. And then</p> <p>7 another set of also Garth Hayden Architecture. And then</p> <p>8 I have another set of documents that I received maybe a</p> <p>9 couple of days ago.</p> <p>10 Q. Yes. On those other sets of drawings you</p> <p>11 received a couple of days ago, if you still have them I</p> <p>12 think in the same order I sent them to you, there might</p> <p>13 be one that has a handwritten number 54 on the bottom.</p> <p>14 Do you see that? And it says Libracon on it.</p> <p>15 A. Libracon, okay.</p> <p>16 Q. See if you can find that document.</p> <p>17 A. Of course, I see it right here.</p> <p>18 MR. McKEE: Okay. And that's a --</p> <p>19 for the record, that's a multi-page collection</p> <p>20 of drawings, which has previously been marked</p> <p>21 for identification as Plaintiff's 54 in</p> <p>22 depositions.</p> <p>23 THE WITNESS: Okay.</p> <p>24 BY MR. McKEE:</p> <p>25 Q. Looking at that document, sir, do you recognize</p>	<p style="text-align: right;">20</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Now, looking at this Exhibit 54, did you</p> <p>3 incorporate any of the drawings or design concepts that</p> <p>4 we see in this exhibit into your own work?</p> <p>5 A. Not really. I mean, let's see.</p> <p>6 No, because the plans that I did are completely</p> <p>7 different than those. My ceilings are different. The</p> <p>8 floor is not like that. So I would say no.</p> <p>9 Q. Well, did you utilize these drawings to get</p> <p>10 general ideas about what you were going to do?</p> <p>11 A. Actually, not -- not really, because I got most</p> <p>12 of the ideas from Vladimir.</p> <p>13 Q. Yes. Did you -- did you ever inquire as to why</p> <p>14 you were being provided with these or other drawings from</p> <p>15 Libracon?</p> <p>16 A. I guess this is at the beginning of the job and</p> <p>17 this is what the other guy was working with. I don't</p> <p>18 even know -- I thought Libracon was the company that</p> <p>19 Vladimir own. I mean, I had no idea. They were sent to</p> <p>20 me for reference. I don't know why, but they were.</p> <p>21 Q. Okay. When you say they were used for</p> <p>22 reference, did you use them as a starting point to get an</p> <p>23 idea of how the rooms were going to work together?</p> <p>24 A. Let me see. Maybe that's was what it was.</p> <p>25 This looks like the floor plan that was given</p>
<p style="text-align: right;">19</p> <p>1 this?</p> <p>2 Have you ever seen that before?</p> <p>3 A. I believe this is the guy from Russia.</p> <p>4 Q. You have to repeat that. You broke up.</p> <p>5 A. I believe this is the guy, the company from</p> <p>6 Russia.</p> <p>7 Q. Okay. And is it your recollection that you</p> <p>8 received documents like this from Libracon?</p> <p>9 A. Yes. I'm pretty sure we did.</p> <p>10 Q. Okay. When those documents came to you, did</p> <p>11 they come directly to you, to your understanding, from</p> <p>12 Libracon, or were they sent to you by somebody else?</p> <p>13 A. Well, that's tough to really remember, but I</p> <p>14 guess they came direct from him.</p> <p>15 Q. Okay. It's all about what you remember.</p> <p>16 A. Sorry.</p> <p>17 Q. It's just all about what you remember.</p> <p>18 A. Yeah.</p> <p>19 Q. If you don't know, you don't know.</p> <p>20 A. Yeah, I'm pretty sure I got something from him.</p> <p>21 I don't know if -- remember, I hired another girl who was</p> <p>22 working on this job, and she's not here with me.</p> <p>23 Q. Yes. You had an individual by the name of --</p> <p>24 A. I can give you the name.</p> <p>25 Q. Ms. Garcia?</p>	<p style="text-align: right;">21</p> <p>1 to me to -- they mention that the first plan. It looks</p> <p>2 very similar to the floor plan that we ended up doing.</p> <p>3 And actually, it's very hard to read because it's very</p> <p>4 small.</p> <p>5 Q. Yes. Well, let's -- let's look at a different</p> <p>6 exhibit.</p> <p>7 A. Okay.</p> <p>8 Q. There's another collection of pages which have</p> <p>9 a handwritten number 53 on that.</p> <p>10 You see that?</p> <p>11 A. On the same --</p> <p>12 Q. Same group of documents, but it's a different</p> <p>13 numbered exhibit, Exhibit 53.</p> <p>14 A. No, I got --</p> <p>15 Q. First page says, "Living room."</p> <p>16 A. Okay. Yeah, I got it.</p> <p>17 MR. McKEE: Okay. For the record, this is</p> <p>18 a multi-page document, which has previously been</p> <p>19 marked as Plaintiff's 53 during prior</p> <p>20 depositions.</p> <p>21 BY MR. McKEE:</p> <p>22 Q. Sir, do you recognize this document or</p> <p>23 collection of documents?</p> <p>24 A. Not -- let's see. I personally do not</p> <p>25 remember, but it could have come from my office.</p>

<p style="text-align: right;">22</p> <p>1 Q. I didn't catch the end of your --</p> <p>2 A. I said that I really don't recall doing this</p> <p>3 myself, but I see that some of the things that are here,</p> <p>4 that some of the pictures that are here must have come</p> <p>5 from my office because they were my designs.</p> <p>6 Q. Yes. So in looking at these, you believe that</p> <p>7 they are something that originated with your office?</p> <p>8 A. Yeah. I use Kinmasand. I use -- I use metal</p> <p>9 for the drapes. The elevations in the master bathrooms,</p> <p>10 it was one of my elevations. The elevation in the dining</p> <p>11 room is one of my elevations. The kitchen, you know, it</p> <p>12 was just ideas that we were sending to Vladimir at the</p> <p>13 time.</p> <p>14 The curtains, they were different fabric, yeah.</p> <p>15 They were pretty similar, except that the living room</p> <p>16 panels, you know, the panels might have finalized being</p> <p>17 different, but, you know, I don't recall what the hell</p> <p>18 happened after that.</p> <p>19 Q. Okay.</p> <p>20 A. Like I said, I never finish this job. I left</p> <p>21 the job before nothing was put in this apartment.</p> <p>22 Q. Okay. Well, let's follow-up on that point.</p> <p>23 So -- so you prepared some design work and but</p> <p>24 you did not see the job through to completion?</p> <p>25 A. I think the last -- the only thing that I saw</p>	<p style="text-align: right;">24</p> <p>1 look at.</p> <p>2 A. Sure.</p> <p>3 Q. Previously marked as Plaintiffs' Exhibit 16,</p> <p>4 the exhibit -- it's a one-page document. The exhibit tab</p> <p>5 is up in the upper right-hand corner and it is dated</p> <p>6 Tuesday, July 7th from Gary Braverman to Hayden Garth.</p> <p>7 A. "As per Monica," is that the one?</p> <p>8 Q. Yes.</p> <p>9 A. Okay.</p> <p>10 Q. Why don't you read that to yourself and then</p> <p>11 I'll ask you a question.</p> <p>12 A. "As per Monica, his name is Pepe Calderin and</p> <p>13 his number is (305) 710-2630. Moreover, he'll be in New</p> <p>14 York next Wednesday, July 15th." Okay. "We're meeting</p> <p>15 with him and Dragan around 9 at 515 Park. Please let me</p> <p>16 know what time is good for you."</p> <p>17 Well, then I guess you know when I went to New</p> <p>18 York.</p> <p>19 Q. Okay. My question to you: Looking at this --</p> <p>20 at this letter, does that refresh your recollection as to</p> <p>21 when you met Garth Hayden?</p> <p>22 A. No. He just told me that I was probably</p> <p>23 planning to go on that date, but I would not recollect</p> <p>24 three years that I went to New York. It's impossible.</p> <p>25 Q. Okay. Would it be safe to say that you had not</p>
<p style="text-align: right;">23</p> <p>1 finished was the wenge floor that we used in the living</p> <p>2 room and basically that was it.</p> <p>3 I selected all the materials and then Vladimir</p> <p>4 didn't need me anymore, so he stopped paying me and I</p> <p>5 stopped going.</p> <p>6 Q. I see. Jumping ahead a bit. Do you recall</p> <p>7 when the last time you went up to New York for this</p> <p>8 project was?</p> <p>9 A. No, I do not.</p> <p>10 Q. Do you recall what year it would have been?</p> <p>11 A. The truth is that I have -- sometimes have</p> <p>12 difficulty finding what year I am right now.</p> <p>13 Q. Okay. No problem.</p> <p>14 Did there come a point in time when you met</p> <p>15 with an architect by the name of Garth Hayden?</p> <p>16 A. Yeah. It was at the -- some time at the</p> <p>17 beginning of the job.</p> <p>18 Q. Okay. Do you recall when you met with Garth</p> <p>19 Hayden?</p> <p>20 A. You mean the date?</p> <p>21 Q. Approximately.</p> <p>22 A. No. It was at the beginning of the job, so you</p> <p>23 can count, you know, three years ago. I mean, it's</p> <p>24 impossible.</p> <p>25 Q. Okay. There's another exhibit I'd like you to</p>	<p style="text-align: right;">25</p> <p>1 met Mr. Hayden prior to that date?</p> <p>2 A. I would probably say you're right.</p> <p>3 Q. Okay. Do you know whether you had been to New</p> <p>4 York, yet? Had you been to New York prior to this date?</p> <p>5 A. I've been to New York many times.</p> <p>6 Q. I mean, for this job. I'm sorry.</p> <p>7 A. For this job --</p> <p>8 Q. Yes.</p> <p>9 A. -- prior to that? Yes, I have.</p> <p>10 Q. Okay.</p> <p>11 A. I think my original meeting was before I met</p> <p>12 with this -- with him.</p> <p>13 Q. All right. You can set that one aside.</p> <p>14 I'd like you to look at what's been marked as</p> <p>15 Plaintiffs Exhibit 2. It's a multi document. The</p> <p>16 exhibit tab is at the bottom center. And the first page</p> <p>17 is an e-mail from Dragan to Garth Hayden, dated July 8th.</p> <p>18 A. Okay.</p> <p>19 Q. Let me know when you have it.</p> <p>20 A. I have it.</p> <p>21 Q. Okay. Now, I'd like you to look at the -- at</p> <p>22 the attachments to that e-mail.</p> <p>23 A. Okay.</p> <p>24 Q. Do you recognize these attachments?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">26</p> <p>1 Q. Can you tell me what they are?</p> <p>2 A. They are plans from my office.</p> <p>3 Q. Okay. Would that be something that would have</p> <p>4 been prepared by your office?</p> <p>5 A. Yes, of course.</p> <p>6 Q. Okay. Now, so looking at the date of the</p> <p>7 e-mail, which is July 8, 2009, would it be accurate to</p> <p>8 say that by that point in time you had already prepared</p> <p>9 at least some designs related to this project?</p> <p>10 A. Of course.</p> <p>11 Q. And the designs we are looking at here, on</p> <p>12 these several pages, what did you base those designs on?</p> <p>13 A. Well, some were based on my ideas and some were</p> <p>14 based on Mr. Voronchenko's idea.</p> <p>15 Q. If you look at the first drawings -- is it okay</p> <p>16 if I call them drawings?</p> <p>17 A. Yes.</p> <p>18 Q. The first drawing, it shows the foyer.</p> <p>19 A. Uh-huh.</p> <p>20 Q. Right?</p> <p>21 A. Yes.</p> <p>22 Q. If you look at the right hand side, can you</p> <p>23 tell me what that depicts?</p> <p>24 A. On the right hand side?</p> <p>25 Q. Yes. Is that the ceiling?</p>	<p style="text-align: right;">28</p> <p>1 And actually the elevation where the fireplace</p> <p>2 is, that changed also after this drawing and we made that</p> <p>3 fireplace to go all the way to the ceiling and it became</p> <p>4 an onyx wall and the wall was completely open. So there</p> <p>5 was nothing is there. It was see-through through to the</p> <p>6 dining area. At least that's how I left it before --</p> <p>7 before I disappeared from the job.</p> <p>8 Q. Yes. And you have never been back to the</p> <p>9 apartment since it's been completed?</p> <p>10 A. No. I'd love to see it.</p> <p>11 Q. If you turn to the next page, it says, "Living</p> <p>12 room elevations."</p> <p>13 A. Okay.</p> <p>14 Q. The top left, is that the same wall that</p> <p>15 divides -- is that the wall that divides the living room</p> <p>16 and dining room?</p> <p>17 A. Correct. It continues to the dining room. We</p> <p>18 change it a little bit. I think I added another panel.</p> <p>19 And then on the first elevation, which is the top left,</p> <p>20 those panels went away and we opened that to the -- to</p> <p>21 the dining area, so it was kind of a see-through space.</p> <p>22 Q. That's where eventually your plan called for</p> <p>23 the onyx panels?</p> <p>24 A. Actually, the dark panel that's there with the</p> <p>25 fireplace, that's all onyx, and it's light up on the</p>
<p style="text-align: right;">27</p> <p>1 A. Yes, of course.</p> <p>2 Q. Okay. How did you come up with the idea for</p> <p>3 that ceiling?</p> <p>4 A. It's a dome. It's a classic design.</p> <p>5 Q. Have you used that kind of design in other</p> <p>6 buildings?</p> <p>7 A. Many times.</p> <p>8 Q. Looking at the next page, it says, "Dining</p> <p>9 elevations."</p> <p>10 A. Uh-huh.</p> <p>11 Q. Did your office prepare those?</p> <p>12 A. Yes.</p> <p>13 Q. And what did you base those elevations on?</p> <p>14 What gave you the inspiration?</p> <p>15 A. Well, Vladimir wanted to have panels which</p> <p>16 starts on the walls. Basically, that's what I did. I</p> <p>17 did ultra suede panel, so that way we wouldn't have any</p> <p>18 seams running horizontal with studs on the walls and then</p> <p>19 I added marble in the corners and columns that we had all</p> <p>20 the way around it.</p> <p>21 And then actually, the ceiling looks like it's</p> <p>22 a double step ceiling, but it's a crown molding, but</p> <p>23 actually I changed that later on in time and I had to do</p> <p>24 something else to be able to accomplish -- to hang the</p> <p>25 chandelier on.</p>	<p style="text-align: right;">29</p> <p>1 inside, and I think we ended up putting a TV on top.</p> <p>2 Q. Yes. Okay.</p> <p>3 Going to the next page which concerns master</p> <p>4 bedroom.</p> <p>5 A. Uh-huh.</p> <p>6 Q. The first drawing on the left, the floor</p> <p>7 layout, where did you get the idea for the closets that</p> <p>8 are shown there?</p> <p>9 A. That space was there.</p> <p>10 Q. Okay. The configuration for the closet doors,</p> <p>11 had you seen any prior drawings from anybody regarding</p> <p>12 those?</p> <p>13 A. No. And actually we didn't even do that. It</p> <p>14 was done completely different than what is there.</p> <p>15 I mean, remember, you start doing a job and as</p> <p>16 job progresses, things change, conditions change.</p> <p>17 Q. Very good. Just bear with me a second.</p> <p>18 Again, if you go back a couple more sheets you</p> <p>19 will come to another sheet that says, "Master bedroom</p> <p>20 elevations."</p> <p>21 Could you turn to that page?</p> <p>22 A. Okay.</p> <p>23 Q. Did you find the page with the elevations?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Is that a drawing, those four different</p>

<p style="text-align: right;">30</p> <p>1 elevations, is that a drawing that was prepared by your 2 office?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. And what did you base that -- those 5 elevations on again?</p> <p>6 A. Well, some of it was Vladimir's ideas and some 7 of it were mine.</p> <p>8 Q. I see.</p> <p>9 A. He wanted a closet with some type of leather 10 panels, little squares, and then he had showed me some 11 grills that he wanted to use for those areas where the -- 12 I guess the ventilation was coming from. And -- and then 13 behind the bed, I don't know how many times that change, 14 but I know we had some panels with mirrors and stuff like 15 that. I mean, I can't even read what it says here, but 16 I'm pretty sure that's what it was.</p> <p>17 Q. I'm going to direct you to another exhibit, 18 please.</p> <p>19 A. Okay.</p> <p>20 Q. It's very similar. It's labeled Plaintiff's 21 Exhibit 3.</p> <p>22 A. Okay.</p> <p>23 Q. And again, I'd ask you just to flip through the 24 drawings that are attached to that, and the question is: 25 Are these more drawings which would have been prepared by</p>	<p style="text-align: right;">32</p> <p>1 similar piece of furniture, but it has a bunch of 2 measurements and all. Is that something, again, that 3 came from the Russians?</p> <p>4 A. Where is that?</p> <p>5 Q. The very next page.</p> <p>6 A. Well, some of them were mine. Like the boy's 7 room unit built-in elevation. The elevation was mine. 8 The isometrics was done by him.</p> <p>9 Q. I see. Okay. You can put that one aside. 10 If you'll find another document that's been 11 previously marked Plaintiff's 50. It's a two-page 12 e-mail.</p> <p>13 A. Yes.</p> <p>14 Q. Do you have that?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. You mentioned earlier -- well, take a 17 moment to read this. Not out loud. Just read -- look at 18 the letter to yourself.</p> <p>19 A. Yes.</p> <p>20 Q. Does that letter -- does that letter refresh 21 your recollection as to the name of the Italian company 22 that was involved in the project?</p> <p>23 A. It could be, yes.</p> <p>24 Q. Would that be Tempora?</p> <p>25 A. I would not swear on that.</p>
<p style="text-align: right;">31</p> <p>1 your office and forwarded up to New York?</p> <p>2 A. This is the same thing, no? It looks like the 3 same thing to me.</p> <p>4 Q. If you go --</p> <p>5 A. Oh, no, there's some other stuff. There's some 6 cabinets and stuff that we were --</p> <p>7 Q. After you get past -- after you get past the 8 room elevations and the floor plans, there appears to be 9 I'll call it a schematic of -- it shows what maybe is the 10 cabinets with some shelves.</p> <p>11 A. Yes, it does.</p> <p>12 Q. Okay. What is that?</p> <p>13 A. That was some of the kids -- girl's bedroom 14 unit and -- and the boy's unit, that was -- those 15 drawings were done by somebody else.</p> <p>16 Q. Do you know who they were from?</p> <p>17 A. That was a Russian cabinet maker that Vladimir 18 knew and he was doing all the bedroom furniture, so 19 according to what I designed, he made those isometrics 20 and corrected some of my elevations.</p> <p>21 Q. Why would they -- why would they provide those 22 to you?</p> <p>23 A. For approval. They would provide to me and to 24 Vladimir, also.</p> <p>25 Q. The next page which has -- it appears to be a</p>	<p style="text-align: right;">33</p> <p>1 Q. Okay. You can't recall specifically whether 2 the Italian company you dealt with was Tempora?</p> <p>3 A. The name, no. I have very difficulties 4 remembering name and numbers, so for that I would just 5 stay away from.</p> <p>6 Q. This reference to a Mr. Filip, F-I-L-I-P --</p> <p>7 A. Yes.</p> <p>8 Q. -- Vickovic, V-I-C-K-O-V-I-C.</p> <p>9 Do you recall Mr. Vickovic?</p> <p>10 A. Yes, I do.</p> <p>11 Q. And was he the individual associated with 12 Libracon in Moscow?</p> <p>13 A. I believe so.</p> <p>14 Q. Now, this e-mail is from August 3rd, 2009, and 15 indicates -- and it's addressed to you, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And the letter -- the letter references them 18 coming to see -- the Italian company coming to New York 19 to take measurements.</p> <p>20 Is it your recollection that that happened?</p> <p>21 A. Yes, it was.</p> <p>22 Q. Were you present when they came to take --</p> <p>23 A. Yes.</p> <p>24 Q. -- measurements?</p> <p>25 A. Yes, I was.</p>

<p>34</p> <p>1 Q. You were there?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. What was the Italian company doing?</p> <p>4 A. They basically did all the walls and all</p> <p>5 the -- everything that was going on the walls.</p> <p>6 Q. All the panels, the shelving?</p> <p>7 A. Yeah. I would say all the millwork.</p> <p>8 Q. Okay. Was any of that millwork installed</p> <p>9 before you finished working on the job?</p> <p>10 A. No.</p> <p>11 Q. Do you have a recollection at all as to how</p> <p>12 long the Italians estimated it would take to fabricate</p> <p>13 the millwork after they measured it?</p> <p>14 A. I know the last I heard they were delayed, but</p> <p>15 I don't -- probably three months, three to four months.</p> <p>16 Q. As part of your expected scope of work on the</p> <p>17 project, would you have been responsible for reviewing</p> <p>18 any shop drawings?</p> <p>19 A. Yes, of course, I was.</p> <p>20 Q. Did you review any shop drawings from the</p> <p>21 Italians?</p> <p>22 A. Yeah, I'm pretty sure we did.</p> <p>23 Q. Okay. The shop drawings -- well, strike that.</p> <p>24 To your understanding, what were the shop</p> <p>25 drawings that the Italians prepared; what were they based</p>	<p>36</p> <p>1 A. I -- actually, I don't remember. I can't gave</p> <p>2 you a correct answer, unless I go back and look at how</p> <p>3 many months he paid me, if I have those records, and --</p> <p>4 because I know he was paying me monthly.</p> <p>5 And I can't recall was I there a year, year and</p> <p>6 two months, you know, it's just not -- I know that after</p> <p>7 I finished, after I left because of lack of payment, they</p> <p>8 contacted me a few times and I, you know, gave him</p> <p>9 information because I was not going to leave him hanging</p> <p>10 on some of the things they needed, but that was basically</p> <p>11 it.</p> <p>12 So that's my explanation.</p> <p>13 Q. So you can't recall with specificity exactly</p> <p>14 how long you worked on the project?</p> <p>15 A. No. It could have been a year. It could have</p> <p>16 been a year and a half. You know, it's just hard to</p> <p>17 really recall.</p> <p>18 Q. Do you have any reason to doubt that you were</p> <p>19 still involved in August of 2010?</p> <p>20 A. I don't know. I mean --</p> <p>21 Q. Okay.</p> <p>22 A. -- maybe if I can multiply. I mean, let's see.</p> <p>23 Q. That's fine.</p> <p>24 A. It's hard. I really can't.</p> <p>25 Q. Just bear with me a minute.</p>
<p>35</p> <p>1 on?</p> <p>2 A. They were probably based on whatever I gave</p> <p>3 them --</p> <p>4 Q. Set that aside.</p> <p>5 A. -- and whatever Vladimir told them.</p> <p>6 Q. Just bear with me one minute.</p> <p>7 A. No problem.</p> <p>8 Q. What was Katherine, K-A-T-H-E-R-I-N-E, what was</p> <p>9 Katherine's position with your office back in 2010?</p> <p>10 A. She was a designer.</p> <p>11 Q. Let me -- if you would look at Exhibit 47,</p> <p>12 please.</p> <p>13 A. Okay.</p> <p>14 Q. Do you have that exhibit?</p> <p>15 A. Yes, I do.</p> <p>16 Q. Okay. Now this is a series of e-mails from</p> <p>17 2010.</p> <p>18 A. Uh-huh.</p> <p>19 Q. From 2010.</p> <p>20 Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Okay, August of 2010, so a year, approximately</p> <p>23 a year after you first got involved, or a little over a</p> <p>24 year after you first got involved, you were still working</p> <p>25 on this project?</p>	<p>37</p> <p>1 A. Sure.</p> <p>2 Q. Sir, I'd ask you to find -- I sent you three</p> <p>3 sets of drawings. I'd like you to find the one down in</p> <p>4 the lower right hand. It has a prior marking called</p> <p>5 Defendants' Exhibit 1. It's one of Garth Hayden's sets.</p> <p>6 A. Uh-huh.</p> <p>7 Q. Were you able to locate that?</p> <p>8 A. I have a plan from him, but it says Exhibit 8.</p> <p>9 Q. You see on the first sheet. It's the first</p> <p>10 sheet is A1.</p> <p>11 You see that, in the lower right-hand corner?</p> <p>12 A. I have a 54. I have a number 2. I have a</p> <p>13 number 3. I have a 50. I have a 53. I have a 47 and I</p> <p>14 have a 17. And that's all I have.</p> <p>15 Q. Okay. When I provided you with -- with certain</p> <p>16 documents --</p> <p>17 A. Yes.</p> <p>18 Q. -- originally I sent you just a couple of</p> <p>19 documents and then I sent you some more.</p> <p>20 A. Uh-huh.</p> <p>21 Q. The first set of documents I sent you should</p> <p>22 have had two sets of drawings in them.</p> <p>23 A. Yes. Right here in front of me.</p> <p>24 Q. Or spreadsheets.</p> <p>25 A. One has -- one has like 8 sheets, 3, 4, 5, 6,</p>

<p style="text-align: right;">38</p> <p>1 7, 8, 9 and 10; one has 11 sheets; and one has 1, 2, 3, 4</p> <p>2 sheets.</p> <p>3 Q. Yes. The one that has four sheets, if you look</p> <p>4 at the front down in the lower right-hand corner should</p> <p>5 be a sticker that says --</p> <p>6 A. Yeah. It says 1.</p> <p>7 Q. Okay. Great.</p> <p>8 Now, this document this has four sheets, A1</p> <p>9 through A4, correct?</p> <p>10 A. Uh-huh.</p> <p>11 Q. "Yes"?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Have you ever seen this set of drawings</p> <p>14 before?</p> <p>15 A. Probably in the job site. Let's see.</p> <p>16 Actually, I don't think so. This set of</p> <p>17 drawings doesn't reflect my set of drawings, so I don't</p> <p>18 know what the hell it is.</p> <p>19 Q. Okay. Now, you said you met with Mr. Hayden</p> <p>20 approximately some time in the Summer of 2009, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Now, when you first met with Mr. Hayden,</p> <p>23 did he give you a set of plans that he had used to get</p> <p>24 approval of the -- of the project from the Board and from</p> <p>25 the Department of Buildings?</p>	<p style="text-align: right;">40</p> <p>1 Q. Okay. All right.</p> <p>2 And while you were at Mr. Hayden's office, did</p> <p>3 he provide you with a -- with a set of DOB plans --</p> <p>4 strike that.</p> <p>5 Did he provide you with a set of plans that had</p> <p>6 been submitted and approved by the DOB so that they could</p> <p>7 at least get the permits?</p> <p>8 A. No, I don't remember.</p> <p>9 Q. Okay. When you met with Mr. Hayden, did he</p> <p>10 give you anything, any drawings, sketches, anything?</p> <p>11 A. No. If he did anything, he must have sent it</p> <p>12 to the office to Kathy, but he didn't give me personally</p> <p>13 anything.</p> <p>14 Q. Okay. Did you give Mr. Hayden anything when</p> <p>15 you first met with him?</p> <p>16 A. I must have given him a set of plans. I don't</p> <p>17 remember. It was three years. I don't --</p> <p>18 Q. Well, we were looking at -- at exhibits</p> <p>19 Plaintiffs' 2 and Plaintiff's 3 that had your -- some of</p> <p>20 your elevations on them.</p> <p>21 A. Yeah.</p> <p>22 Q. Remember, we were looking at those and we saw</p> <p>23 that they were forwarded by Dragan to Garth Hayden on or</p> <p>24 about July 8th.</p> <p>25 When you met with Mr. Hayden, did you give him</p>
<p style="text-align: right;">39</p> <p>1 A. No, no, I wasn't even in New York at that time,</p> <p>2 so I don't know what they -- that must have been with</p> <p>3 the -- with the -- with the contractor, but I -- I never</p> <p>4 really got much involved into the city or the, you know,</p> <p>5 or the building or -- I just give them a set of plans.</p> <p>6 They were supposed follow it.</p> <p>7 I went to New York maybe a couple of times as,</p> <p>8 you know, as they needed in an emergency, because they</p> <p>9 had to pay for my stay and my travel, so they tried for</p> <p>10 me not to go there very often.</p> <p>11 Q. Well, in any of the -- how many times did you</p> <p>12 meet with Mr. Hayden when you came up to New York?</p> <p>13 A. Only once.</p> <p>14 Q. Just one time.</p> <p>15 Where did you meet him?</p> <p>16 A. In his office.</p> <p>17 Q. At his office?</p> <p>18 A. Yes.</p> <p>19 Q. And when you met Mr. Hayden at his office, did</p> <p>20 he -- was it your understanding that he had been involved</p> <p>21 as the architect prior to your getting involved?</p> <p>22 A. No, I don't think so. I don't know. I didn't</p> <p>23 know. I can't give you an answer. I don't really</p> <p>24 know it. I'd be guessing, if I tell you that that is</p> <p>25 true.</p>	<p style="text-align: right;">41</p> <p>1 any copies, any copies of your elevations?</p> <p>2 A. If it was given to them, it must have been sent</p> <p>3 by e-mail. I did not carry anything with me, no set of</p> <p>4 plans to give to Mr. Hayden. I don't remember giving him</p> <p>5 anything.</p> <p>6 If there was something done, it was done by</p> <p>7 e-mail. Whether one company sent it to him or we sent it</p> <p>8 to him, I really don't recall. It was three years ago.</p> <p>9 It's impossible for me to remember that.</p> <p>10 Q. Okay. Now, going back to something you said a</p> <p>11 little while ago. You had no involvement with getting</p> <p>12 either the Building Works approval or the DOB approval</p> <p>13 for this project?</p> <p>14 A. No, nothing to do.</p> <p>15 Q. That wasn't part of your scope of work?</p> <p>16 A. No, it was not.</p> <p>17 Q. Did you understand that that was Mr. Hayden's</p> <p>18 scope of work?</p> <p>19 A. Yes. I mean, it wasn't mine. I really didn't</p> <p>20 care who was doing it, but it was very definitely not my</p> <p>21 deal. I was just doing interior design. No architecture</p> <p>22 or engineer. I have no license in New York, so --</p> <p>23 Q. When you look at Mr. -- when you look at</p> <p>24 Mr. Hayden's Exhibit -- Defendants' Exhibit 1, those four</p> <p>25 sheets, A1 through A4, would you look at those and say</p>

<p style="text-align: right;">42</p> <p>1 that those are architectural designs, as opposed to</p> <p>2 interior design?</p> <p>3 A. Looks like demolition and some type of</p> <p>4 construction plan.</p> <p>5 Yeah, I would say that's what it should be.</p> <p>6 It's pretty basic.</p> <p>7 Q. Let me direct you to a different exhibit.</p> <p>8 A. Okay.</p> <p>9 Q. It's the bigger collection of drawings.</p> <p>10 A. Yeah.</p> <p>11 Q. Defendants' Exhibit 7. First page it's got a</p> <p>12 title page, title sheet and then a number of pages after</p> <p>13 that.</p> <p>14 Do you see that?</p> <p>15 A. You mean Exhibit 8?</p> <p>16 Q. Exhibit 7.</p> <p>17 A. It says 8 here. Is that also from Garth and</p> <p>18 Hayden?</p> <p>19 Q. No, no. This is the one that says Triarch on</p> <p>20 it.</p> <p>21 A. And where is that set?</p> <p>22 Q. It's the bigger set.</p> <p>23 A. Triarch. Okay, I got it.</p> <p>24 Q. Great. And the first -- and it says -- there</p> <p>25 is a little sticker down in the corner it says</p>	<p style="text-align: right;">44</p> <p>1 the project?</p> <p>2 A. No.</p> <p>3 Q. At any point that you visited the apartment, on</p> <p>4 any of your visits up to New York, were there any</p> <p>5 drawings, either this set or a similar set, at the</p> <p>6 project site?</p> <p>7 A. No, I never seen this before.</p> <p>8 Q. Forget the name Triarch. Were there any</p> <p>9 drawings like this that looked like this, that have been</p> <p>10 prepared by somebody, other than yourself, which were at</p> <p>11 the project site on any occasion that you were there?</p> <p>12 A. No, there was nothing like this.</p> <p>13 Q. At any point, did you receive a copy of</p> <p>14 drawings similar to this from any source -- from any</p> <p>15 source, it doesn't matter who --</p> <p>16 A. No.</p> <p>17 Q. -- down at your Miami offices?</p> <p>18 A. No, I did not.</p> <p>19 Q. Whether it had the name Triarch on it or not,</p> <p>20 did you ever receive a set of drawings that even closely</p> <p>21 resembled this?</p> <p>22 A. No. They would have been useless anyway.</p> <p>23 These plans doesn't have AutoCAD. It's useless to get a</p> <p>24 set of plans.</p> <p>25 Q. What do you mean by that?</p>
<p style="text-align: right;">43</p> <p>1 Defendant's Exhibit 7.</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And have you ever seen this document</p> <p>4 before?</p> <p>5 A. They all look very similar, but I've never seen</p> <p>6 this set of documents. This is a nice set of documents,</p> <p>7 actually.</p> <p>8 Q. At any point when you were involved in the</p> <p>9 project, did you ever hear of the name Triarch?</p> <p>10 A. No.</p> <p>11 Q. Did you ever hear the name Steven Korelli</p> <p>12 (phonetic)?</p> <p>13 A. No.</p> <p>14 Q. Did you ever hear the name Mikela (phonetic)</p> <p>15 Deiss?</p> <p>16 A. No.</p> <p>17 MR. McKEE: For the stenographer, that's</p> <p>18 spelled D-I-E-S -- or D-E-I-S. D-E-I-S-S,</p> <p>19 sorry.</p> <p>20 BY MR. McKEE:</p> <p>21 Q. So you never heard of Mikela Deiss?</p> <p>22 A. No, I have not.</p> <p>23 Q. All right. At any point when you were involved</p> <p>24 in the project, did you meet with anybody who was held</p> <p>25 out to you as having been the prior interior designer on</p>	<p style="text-align: right;">45</p> <p>1 A. Well, if I get a set of plans like this and I</p> <p>2 need to, let's say, copy this job, I need to redraw the</p> <p>3 whole job completely, because it's not on AutoCAD.</p> <p>4 If I don't have the files from the original</p> <p>5 architect, it's impossible for me to really do this job.</p> <p>6 I would have to do the whole job all over again.</p> <p>7 Q. Okay. Now, on any of your visits up to New</p> <p>8 York, did you measure the apartment?</p> <p>9 A. Yes, of course.</p> <p>10 Q. How many times do you figure you measured the</p> <p>11 apartment?</p> <p>12 A. More than once. Not only I measure it, but</p> <p>13 I had the contractor measure it several times.</p> <p>14 Q. When you -- when you drew your elevations and</p> <p>15 any floor plans that you may have prepared, any layouts,</p> <p>16 did you rely upon the measurements that you took in the</p> <p>17 field?</p> <p>18 A. Not all of them, because I really try --</p> <p>19 actually, I'm going to rephrase what I did before.</p> <p>20 I really had the contractor measure the</p> <p>21 apartment, because I don't want to be responsible for</p> <p>22 measurements.</p> <p>23 Q. Okay. So you relied upon Dragan or --</p> <p>24 A. Correct.</p> <p>25 Q. -- or somebody affiliated with them to do the</p>

<p style="text-align: right;">46</p> <p>1 measurements?</p> <p>2 A. He would do all my measurements, floor,</p> <p>3 ceilings, all that stuff. It's just, too, you know, too</p> <p>4 tricky to do measurements and make a mistake and then you</p> <p>5 have to swallow all the mistakes.</p> <p>6 Q. Yes. So then you would take those measurements</p> <p>7 and did you have any kind of schematic or anything,</p> <p>8 any -- any layout, any demolition plan, anything from</p> <p>9 Mr. Hayden at all when you -- when you set about to</p> <p>10 prepare your drawings?</p> <p>11 A. No. Vladimir told me what he wanted to do, he</p> <p>12 wanted closets and the walls that he wanted to take out,</p> <p>13 and that's basically what I follow.</p> <p>14 Q. Okay. I'm going to ask the question again.</p> <p>15 You already answered it, but I just want to be clear.</p> <p>16 This Exhibit 7, or anything that even remotely</p> <p>17 looks like it with the name Triarch on it, did you ever,</p> <p>18 at any point when you went to the apartment, see any set</p> <p>19 of plans laying around with the name Triarch?</p> <p>20 A. No.</p> <p>21 Q. Did you ever get anything by way of e-mail that</p> <p>22 had a set of plans or schematic or any other kind of</p> <p>23 drawings that had the name Triarch on it?</p> <p>24 A. I had nothing by the name of Triarch. I didn't</p> <p>25 even know they existed.</p>	<p style="text-align: right;">48</p> <p>1 Q. You're talking about page A5, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Now, looking at page A4.</p> <p>4 A. Okay.</p> <p>5 Q. A4. On the bottom there is a number of</p> <p>6 elevations and those relate to the library.</p> <p>7 A. Yes. There's two elevations that refer to</p> <p>8 library.</p> <p>9 Q. Okay. Elevation A, are those bookcases?</p> <p>10 A. Uh-huh.</p> <p>11 Q. "Yes"?</p> <p>12 A. Yes, they are.</p> <p>13 Q. Thank you.</p> <p>14 Who came up with that layout?</p> <p>15 A. Vladimir wanted bookcases and he told me,</p> <p>16 basically, the way he wanted them, and the Lalique panels</p> <p>17 that he wanted to put on the columns, you know, to light</p> <p>18 up from the inside with the LED.</p> <p>19 Q. Okay. And there's -- is that a -- on the other</p> <p>20 two elevations C and D, is that a barrel or vaulted</p> <p>21 ceiling?</p> <p>22 A. That was the foyer -- oh, I'm sorry. No,</p> <p>23 that's not the foyer. That is also the library.</p> <p>24 Q. Yeah.</p> <p>25 A. Yes. There was a vaulted ceiling inside that</p>
<p style="text-align: right;">47</p> <p>1 Q. I see. Let me direct you to the other set of</p> <p>2 Garth Hayden drawings. It's marked as Plaintiff's -- I'm</p> <p>3 sorry, Defendants' Exhibit 8.</p> <p>4 A. Okay.</p> <p>5 Q. Let me know when you have it.</p> <p>6 A. I have them.</p> <p>7 Q. All right. Just flip through the pages.</p> <p>8 Have you -- have you ever seen this set of</p> <p>9 drawings before?</p> <p>10 A. They look similar to what I did.</p> <p>11 Q. Okay.</p> <p>12 A. It has my details.</p> <p>13 It has --</p> <p>14 Q. What page are you looking at?</p> <p>15 A. In A3, it has my soffit details and my lighting</p> <p>16 soffit detail. Soffit detail one and two. The rest is</p> <p>17 just stuff that the architects did.</p> <p>18 It has some of my elevations, even though some</p> <p>19 of them have changed.</p> <p>20 Q. Are you talking about page A4?</p> <p>21 A. Yeah.</p> <p>22 Q. Okay. What do you mean your elevations?</p> <p>23 A. Well, elevation, library elevations and foyer</p> <p>24 elevation and bedroom elevation, and, you know,</p> <p>25 basically, that's what --</p>	<p style="text-align: right;">49</p> <p>1 room.</p> <p>2 Q. Whose idea was that?</p> <p>3 A. He wanted a vaulted ceiling in there. He was</p> <p>4 very specific about this room.</p> <p>5 Q. When you say "he", you're talking about</p> <p>6 Mr. Voronchenko?</p> <p>7 A. Yes, of course.</p> <p>8 Q. There is a detail -- not a detail, but there is</p> <p>9 a material description, it says, Palisamder,</p> <p>10 P-A-L-I-S-A-N-D-E-R, wood.</p> <p>11 Whose idea was Palisander wood?</p> <p>12 A. He wanted Palisander wood.</p> <p>13 Q. Mr. Voronchenko did?</p> <p>14 A. Yes, of course.</p> <p>15 Q. Okay. It references the wood down the side as</p> <p>16 also being Palisander. That, again, was his decision?</p> <p>17 A. Yes.</p> <p>18 Q. Hello?</p> <p>19 A. Yes, it was.</p> <p>20 Q. Okay. There's reference to a gold crown. Do</p> <p>21 you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Whose suggestion was that?</p> <p>24 A. Mr. Voronchenko.</p> <p>25 Q. He told you that's what he wanted?</p>

<p style="text-align: right;">50</p> <p>1 A. Yeah.</p> <p>2 Q. What about the other details we see on</p> <p>3 Elevation B, as in boy, the mirror, and the bronze metal</p> <p>4 finish.</p> <p>5 A. That changed a thousand times, but yeah, at the</p> <p>6 beginning he wanted mirror, then we change it, and then</p> <p>7 we change to a TV. Then we change it back again. So at</p> <p>8 the end, I don't know whatever happened.</p> <p>9 Q. I see. What about the --</p> <p>10 A. And the same goes to a lot of these elevations,</p> <p>11 because I know the little squares at the end of the</p> <p>12 bedroom, I think that became just a leather panel and,</p> <p>13 you know, a lot of this stuff, you know, goes back and</p> <p>14 forth, and back and forth until you get to the final.</p> <p>15 Q. Did Mr. Voronchenko make a lot of changes over</p> <p>16 the course of time?</p> <p>17 A. My God. Have you worked with him long?</p> <p>18 Q. I can't answer questions.</p> <p>19 A. Okay. Yes, he changed his mind all the time.</p> <p>20 Q. Yes. Now, the -- the file that you sent up had</p> <p>21 a limited amount of materials in it. Were there portions</p> <p>22 of the file which you -- which you had created which were</p> <p>23 not maintained after this job was done?</p> <p>24 A. Not only was not maintained, you know, you know</p> <p>25 how computer acts. The computer that Kathy was working</p>	<p style="text-align: right;">52</p> <p>1 I'm pretty sure he must have spent -- I'm not going to</p> <p>2 say that, because that's not really none of my business.</p> <p>3 Q. I think you misunderstood my question, and I</p> <p>4 apologize for that.</p> <p>5 A. Okay.</p> <p>6 Q. I'm asking you, earlier in your deposition you</p> <p>7 indicated that you were still owed money when you decided</p> <p>8 to stop working on the project.</p> <p>9 A. No. I said that he did not pay me and I</p> <p>10 stopped working. He paid me up to the month that I</p> <p>11 worked. I think the last -- he didn't pay me the last</p> <p>12 month and on that, I stopped working.</p> <p>13 Q. Oh, I see. So he paid you most of what you</p> <p>14 were owed?</p> <p>15 A. He always paid me on time. Gary -- I think</p> <p>16 Gary was the one who sent me my check, and every month he</p> <p>17 sent me a check, and the last month, he didn't send me a</p> <p>18 check. And then I called Gary and he told me, look, you</p> <p>19 know, Vladimir is, you know, not going to continue, so I</p> <p>20 said, okay, well, I'm going to stop, and I did.</p> <p>21 Q. Okay. Thank you for clearing that up.</p> <p>22 A. Yeah.</p> <p>23 Q. I had misunderstood.</p> <p>24 And just to wrap it up on my end, you only met</p> <p>25 with Garth Hayden one time, correct?</p>
<p style="text-align: right;">51</p> <p>1 on was changed from her desk to another desk and it was</p> <p>2 an older computer and we lost most of the stuff that was</p> <p>3 in that computer.</p> <p>4 Q. I see. Just to restate what you just said, I</p> <p>5 think, just so I'm clear: Most of the work that your</p> <p>6 office did for Mr. Voronchenko was lost after there was</p> <p>7 computer changeover?</p> <p>8 A. I would say more than 50 percent of all the</p> <p>9 work that we did for him and all the things that we</p> <p>10 selected. I mean, we selected tons of different type of</p> <p>11 furniture for the living room, for the master bedroom.</p> <p>12 I visited many, many different showrooms with</p> <p>13 him in New York looking for furniture. I -- you know, it</p> <p>14 took almost a year to select the table after seeing</p> <p>15 twenty tables and I don't know how many chairs, you know.</p> <p>16 It just -- you know, it was just on and on and</p> <p>17 on and on.</p> <p>18 Q. When you finished working -- when you decided</p> <p>19 to stop working on this project with Mr. Voronchenko, do</p> <p>20 you recall how much money, if any, you -- you believe you</p> <p>21 were owed?</p> <p>22 A. No, I saw some -- some paper here in that I</p> <p>23 don't know who it belongs to, if that was something that</p> <p>24 Kathy did or who it was.</p> <p>25 No, I have no idea how much money he spent, but</p>	<p style="text-align: right;">53</p> <p>1 A. I believe so.</p> <p>2 Q. Okay. And you -- you never, to your</p> <p>3 understanding, saw any work that was identified as</p> <p>4 belonging to Triarch, correct?</p> <p>5 A. I never -- the first time I heard about Triarch</p> <p>6 is when you called my office and you sent me the plans.</p> <p>7 I never, never heard about these people before.</p> <p>8 MR. McKEE: Well, subject to anything that</p> <p>9 the other counsel may ask you, Mr. Calderin, I</p> <p>10 have no further questions. Thank you very much.</p> <p>11 THE WITNESS: Okay.</p> <p>12 MR. McKEE: And I will pass it off to one</p> <p>13 of the other attorneys.</p> <p>14 CROSS EXAMINATION</p> <p>15 BY MR. MANDEL:</p> <p>16 Q. How are you Mr. Calderin? My name is Evan</p> <p>17 Mandel.</p> <p>18 A. I'm very good. Thank you. And yourself?</p> <p>19 Q. You remember when we spoke on the phone some</p> <p>20 time back?</p> <p>21 A. No.</p> <p>22 Q. All right. Well, just the same, I want to</p> <p>23 thank you for taking the time during that phone call to</p> <p>24 discuss this case with me.</p> <p>25 I would ask you, am I correct, you said you</p>

<p style="text-align: right;">54</p> <p>1 used to have a woman by the name of Katherine Garcia work 2 for you on this project?</p> <p>3 A. You're absolutely correct.</p> <p>4 Q. Okay. And I apologize, I didn't mean to 5 interrupt, were you going to say something?</p> <p>6 A. No.</p> <p>7 Q. And was Ms. Garcia -- withdrawn.</p> <p>8 Do you use AutoCAD software at your office?</p> <p>9 A. Yes, we do.</p> <p>10 Q. And was Ms. Garcia responsible for the AutoCAD 11 software on this project?</p> <p>12 A. Yeah, she was the one drawing all the plans.</p> <p>13 Q. Okay. And every time -- withdrawn.</p> <p>14 Would you necessarily have known if Ms. Garcia 15 was provided with AutoCAD drawings from one of the other 16 professionals involved in this project?</p> <p>17 MR. McKEE: Objection.</p> <p>18 THE WITNESS: Yeah, I probably would have 19 known.</p> <p>20 BY MR. MANDEL:</p> <p>21 Q. Okay. Sitting here today, do you recall 22 whether Ms. Garcia was provided with any AutoCAD 23 drawings?</p> <p>24 A. I don't think she was ever provided with any 25 drawings.</p>	<p style="text-align: right;">56</p> <p>1 Q. Am I correct that this page contains some 2 library elevations?</p> <p>3 A. I changed the library elevations? No, I never 4 said that.</p> <p>5 Q. Maybe I wasn't speaking loudly.</p> <p>6 I said, am I correct that this page contains 7 some library elevations?</p> <p>8 A. Correct.</p> <p>9 Q. And I would now like to turn your attention -- 10 withdrawn.</p> <p>11 Do these library elevations on page A11 look 12 familiar to you?</p> <p>13 A. Of course, it does.</p> <p>14 Q. And why do you say that?</p> <p>15 A. Because it has a similar arch detail on the 16 ceiling, and it has some mirrors on the wall, and it has 17 pocket doors, and it has a bookcase. But, you know, that 18 could be on any library.</p> <p>19 As you can see this bookcase, definitely looks 20 nothing like mine. I have no floor like he has here on 21 his library plan, so I don't know where you're, you 22 know --</p> <p>23 Q. Sure.</p> <p>24 Let me ask you this question. When did you 25 do -- withdrawn.</p>
<p style="text-align: right;">55</p> <p>1 Q. Why do you say that?</p> <p>2 A. Because it would have been a lot easier job 3 that it was to redraw -- to draw all this job and I would 4 have known about it.</p> <p>5 Q. Okay. And you would remember today?</p> <p>6 A. If we got drawings like that?</p> <p>7 Q. Yes.</p> <p>8 A. Yes, because I would have copy everything they 9 would send me.</p> <p>10 Q. Okay. And Mr. McKee asked you a few questions 11 about Defendants' Exhibit 7, which were Triarch drawings.</p> <p>12 A. Uh-huh.</p> <p>13 Q. Do you have that document in front of you?</p> <p>14 A. I have it right in front of me.</p> <p>15 Q. And you said that these were nice drawings. 16 Why did you say that?</p> <p>17 A. Because they are very detailed and it would 18 have been so much easier for me to have a set of drawings 19 like this.</p> <p>20 Door sketch, I mean, I don't have any of that 21 stuff in my plans, because I didn't do any of the stuff.</p> <p>22 Q. Sure.</p> <p>23 Can I turn your attention on Defendants' 24 Exhibit 7, page A11?</p> <p>25 A. A11. Okay.</p>	<p style="text-align: right;">57</p> <p>1 Did you do a final set of drawings on this 2 project?</p> <p>3 A. A final set of drawings?</p> <p>4 Q. Yeah.</p> <p>5 A. What are you talking? My final set of drawings 6 is what you saw there.</p> <p>7 Q. So you're saying the drawings you looked at 8 earlier today were your final set?</p> <p>9 A. Yeah.</p> <p>10 Q. Okay. Somewhere in there you should have in a 11 package that I sent you today, a document marked 12 Plaintiff's Exhibit 72.</p> <p>13 A. Uh-huh. Let's see.</p> <p>14 MR. MANDEL: For the record, Plaintiff's 15 Exhibit 72 has never been marked before. It 16 begins on Bates number page --</p> <p>17 THE WITNESS: 72, I'm looking at it right 18 now.</p> <p>19 MR. MANDEL: I just need to make this clear 20 for the record, that the print is very small, 21 and it looks like it begins on Bates number page 22 MED 215 and continues through page 242.</p> <p>23 THE WITNESS: Uh-huh.</p> <p>24 BY MR. MANDEL:</p> <p>25 Q. Do you recognize Plaintiff's Exhibit 72?</p>

<p style="text-align: right;">58</p> <p>1 A. Yes.</p> <p>2 Q. What is it?</p> <p>3 A. It's a dining room.</p> <p>4 Q. Right. That's what the first page of this</p> <p>5 exhibit is, but if you were to flip through these pages,</p> <p>6 are these all drawings that you prepared?</p> <p>7 A. Yes.</p> <p>8 Q. All right. And am I correct that these are</p> <p>9 dated September 1, 2009 --</p> <p>10 A. Okay.</p> <p>11 Q. -- excuse me, September 10, 2009?</p> <p>12 A. Okay.</p> <p>13 Q. Is that correct?</p> <p>14 A. Whatever you say. If that's what it says</p> <p>15 there, yes. I can't even read it.</p> <p>16 Q. All right. And now, is it your practice to</p> <p>17 date your drawings?</p> <p>18 A. Yeah, of course, it is.</p> <p>19 Q. And the drawings that we looked at earlier</p> <p>20 today, which I believe were marked -- withdrawn.</p> <p>21 The drawings that we looked at earlier today</p> <p>22 that you had prepared I believe were marked Plaintiff's</p> <p>23 Exhibit 2 and Plaintiff's Exhibit 3.</p> <p>24 A. Okay.</p> <p>25 Q. Am I correct that those drawings were prepared</p>	<p style="text-align: right;">60</p> <p>1 provided on this project, and that's sort of a very</p> <p>2 general vague question, but I'm trying to get a sense.</p> <p>3 Did you provide a few preliminary ideas and</p> <p>4 then did you provide a complete set, or did you provide a</p> <p>5 complete set and then keep sort of changing things as</p> <p>6 things went along and then provide more of a complete</p> <p>7 set? What was the sort of big picture process that you</p> <p>8 used on the project?</p> <p>9 A. According to Vladimir, before I gave a complete</p> <p>10 set of plans, I met with Vladimir and we went over what I</p> <p>11 was supplying, and I would send them the information</p> <p>12 through e-mail, because he was always travelling in</p> <p>13 Russia someplace or New York or wherever, and we finalize</p> <p>14 what we needed and then we gave it to the architects.</p> <p>15 So, that's basically -- we did the floor plan,</p> <p>16 elevations and ceiling plans --</p> <p>17 Q. Okay.</p> <p>18 A. -- and all the bathrooms.</p> <p>19 And as we -- and as we went along, we started</p> <p>20 changing, the bathrooms changed, you know, many, many</p> <p>21 different times. And I don't really have all the</p> <p>22 drawings, unfortunately, for all the things that were</p> <p>23 done. The living room was also changed, you know, from</p> <p>24 the beginning, we just had a fireplace. Later on we did</p> <p>25 a fireplace with a TV.</p>
<p style="text-align: right;">59</p> <p>1 prior to September 10, 2009?</p> <p>2 A. I don't know. I have so many papers in front</p> <p>3 of my desk that I really -- if you say that it was done</p> <p>4 before, yes, I believe that it is.</p> <p>5 Q. All right. Well, let me ask you this question:</p> <p>6 Do you remember when was the last time that you provided</p> <p>7 drawings on this project?</p> <p>8 A. The last time?</p> <p>9 Q. Yes.</p> <p>10 A. Well, you mean a complete set of drawings?</p> <p>11 Q. Yeah.</p> <p>12 A. Actually, whenever I provided this drawing on</p> <p>13 this date. After that, we just kept changing, you know,</p> <p>14 piece by piece as we went along, but we did not provide a</p> <p>15 complete -- a new complete set of plans, because it</p> <p>16 really wasn't necessary. The architect was doing his</p> <p>17 plans for demolition and construction and whatever was</p> <p>18 going on in the walls didn't really matter, so I -- there</p> <p>19 was no need for me to produce any more drawings because</p> <p>20 the architect was already doing the electrical, the</p> <p>21 plumbing, and that's basically what you needed for permit</p> <p>22 in that building.</p> <p>23 Q. Okay. So if I were just to ask you, sir, is a</p> <p>24 big picture question, can you just describe in your own</p> <p>25 words the -- the different types of drawings that you</p>	<p style="text-align: right;">61</p> <p>1 Q. Uh-huh. And am I correct that you testified</p> <p>2 throughout the day today that your memory for dates is</p> <p>3 not exact? Am I correct that you don't remember when you</p> <p>4 provided that last complete set of drawings on this</p> <p>5 project?</p> <p>6 A. I just told you that I -- that the only set of</p> <p>7 drawings that I can remember supplying was this set of</p> <p>8 drawings, and then, it was -- you know, remember that I</p> <p>9 have somebody else working for me on this job. I have</p> <p>10 ten designers in my office and I do twenty-two jobs a</p> <p>11 year so --</p> <p>12 Q. Wow.</p> <p>13 A. -- you can imagine having to keep track of</p> <p>14 everything and the date.</p> <p>15 Q. Sure.</p> <p>16 A. So that's my answer to you.</p> <p>17 Q. Okay. So when you said, was "this my last</p> <p>18 set," were you referring to Plaintiff's Exhibit 72?</p> <p>19 A. I believe that whatever it is, yeah, if that</p> <p>20 was what I supplied, that must be the last set, yes.</p> <p>21 Q. Okay. So I would ask you to turn to the page</p> <p>22 of Plaintiff's Exhibit 72 that contains the library</p> <p>23 elevations, because I believe it's the third page.</p> <p>24 A. Okay.</p> <p>25 Q. And then I would ask you to compare that third</p>

<p style="text-align: right;">62</p> <p>1 page to page A11 in Defendant's Exhibit 7, which is</p> <p>2 Triach's library elevation.</p> <p>3 A. You said 11, right?</p> <p>4 Q. Yeah.</p> <p>5 A. Yeah, I have it here.</p> <p>6 Q. Do you see any similarity whatsoever between</p> <p>7 these two sets of drawings?</p> <p>8 A. Yes, of course, I do.</p> <p>9 Q. What are those similarities?</p> <p>10 A. Let's see, the doors, the mirrors. You have a</p> <p>11 ceiling, but our ceilings are kind of different.</p> <p>12 And let's see, I have -- I have all -- if you</p> <p>13 look at the Library D, on the right-hand side --</p> <p>14 Q. Yes.</p> <p>15 A. -- I have all the specifications. You don't</p> <p>16 have any specifications here. If you look at my library</p> <p>17 southern elevation, your bookcase and mine are completely</p> <p>18 different, and I don't even have a floor and you do have</p> <p>19 a floor.</p> <p>20 I mean, I, basically, follow this elevation</p> <p>21 according to what Vladimir told me to do.</p> <p>22 Q. And when you said that the mirrors were</p> <p>23 similar, which mirrors were you referring to?</p> <p>24 A. There's two mirrors going out of the -- on the</p> <p>25 Library D.</p>	<p style="text-align: right;">64</p> <p>1 A. Uh-huh.</p> <p>2 Q. I'd ask you to compare that page to your master</p> <p>3 bedroom elevation.</p> <p>4 A. Okay. In the Exhibit 72?</p> <p>5 Q. I'm just looking here.</p> <p>6 Are your -- are your elevations in Exhibit 72</p> <p>7 to the master bedroom?</p> <p>8 A. I don't see a master bedroom there.</p> <p>9 Q. I don't either. Do you see them?</p> <p>10 A. No, I don't, not on Exhibit 72.</p> <p>11 It doesn't matter there's one elevation which</p> <p>12 is the -- oh, no, that's not what I was talking about.</p> <p>13 It doesn't matter. I don't need to -- I know</p> <p>14 my plans by heart. I don't need to read. I looked at</p> <p>15 them enough in the past week.</p> <p>16 What do you want me to --</p> <p>17 Q. All right. Are there any similarities between</p> <p>18 Triach's elevations here on A12 and any of your</p> <p>19 elevations?</p> <p>20 A. The only similarity is in the closet doors, but</p> <p>21 even that is not -- is not the same height. Doesn't have</p> <p>22 the same moldings. You know, it's kind of different.</p> <p>23 Everything else is nothing to do with what I</p> <p>24 have.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">63</p> <p>1 Q. And would that be in -- you said Library D?</p> <p>2 A. I said in your plans, it's Library North</p> <p>3 Elevation, in my plan it's Library D.</p> <p>4 Q. Okay. Thank you.</p> <p>5 And am I correct that the door that you found</p> <p>6 similar was on those same two elevations?</p> <p>7 A. The door that I found similar is on that same</p> <p>8 elevation, correct.</p> <p>9 Q. Okay. And other than what you described, are</p> <p>10 there any similarities between Triach's elevations on</p> <p>11 page A11 and your elevations here?</p> <p>12 A. Well, I think what I just mentioned was a</p> <p>13 similarity.</p> <p>14 Q. Okay.</p> <p>15 A. The moldings are not the same. The only</p> <p>16 similarities are the doors and the mirrors, and there's</p> <p>17 some kind of -- of -- what do you call it -- there is</p> <p>18 a -- there is a dome, but yours has some kind of moldings</p> <p>19 and mine doesn't have any moldings, you know. And</p> <p>20 mirrors, I mean, I don't do panels with mirrors for</p> <p>21 twenty years, when I used to do traditional work so, you</p> <p>22 know.</p> <p>23 Q. Okay. And then I'd ask you to turn your</p> <p>24 attention to page A12 of Triach's drawings, which is</p> <p>25 Defendant's Exhibit 7.</p>	<p style="text-align: right;">65</p> <p>1 A. The ceiling details are different.</p> <p>2 Q. Turning your attention to page A3.</p> <p>3 A. A3 you said?</p> <p>4 Q. Yeah, A3, and A4 and A5. Those are door</p> <p>5 elevations?</p> <p>6 A. Uh-huh.</p> <p>7 Q. Are there any similarities between any of those</p> <p>8 door elevations or door details and any of the drawings</p> <p>9 that you prepared on this project?</p> <p>10 A. Yeah, there's one, the FDL slider. I mean,</p> <p>11 that looks like the door that we did.</p> <p>12 Q. Which door was that?</p> <p>13 A. The FDL slider.</p> <p>14 Q. Which page is that on?</p> <p>15 A. That's on A3.</p> <p>16 Q. And I apologize, you're much more experienced</p> <p>17 reading these plans than I am.</p> <p>18 Where are you looking on this page to find that</p> <p>19 door?</p> <p>20 A. You see the doors on the bottom of the page on</p> <p>21 the left-hand side, that's the door schedule. These are</p> <p>22 the doors according to whatever schedule he have here on</p> <p>23 the top.</p> <p>24 You see the door schedule on the top, says,</p> <p>25 "Door schedule." If you go down the left-hand side, he</p>

<p style="text-align: right;">66</p> <p>1 tells you what the door is and where it belongs.</p> <p>2 Q. Okay. And which door or doors would you say</p> <p>3 are similar to your doors?</p> <p>4 A. The slider doors in the -- in the -- what do</p> <p>5 you call it -- in the library.</p> <p>6 Q. And is that labeled as F-DBL/slider?</p> <p>7 A. Correct.</p> <p>8 Q. Are there any other similarities between any of</p> <p>9 the other doors on this page and your drawings?</p> <p>10 A. They all basically have -- no, I don't think we</p> <p>11 have any other door. The only door that I have is that.</p> <p>12 That's what Vladimir explained to me what he wanted. I</p> <p>13 drew it a couple of times to him until I came out with</p> <p>14 what he wanted, and that's what I do.</p> <p>15 Q. Turning your attention to page A7. Are there</p> <p>16 any similarities in page A7 and any of your drawings in</p> <p>17 this project?</p> <p>18 A. Other than the doors, I don't see any other</p> <p>19 similarity, and actually --</p> <p>20 Q. Same sliding doors you referred to earlier --</p> <p>21 A. Only one set of doors, which is the doors on</p> <p>22 the right-hand side. The other doors, I don't know what</p> <p>23 the hell they are.</p> <p>24 Q. Okay.</p> <p>25 A. And I don't know about anything else in there</p>	<p style="text-align: right;">68</p> <p>1 A. I'm sorry?</p> <p>2 Q. How do you pronounce your last name?</p> <p>3 A. Well, in Spanish, it's Calderin.</p> <p>4 Q. I'll do my best. I don't speak Spanish.</p> <p>5 A. No, Calderin is fine.</p> <p>6 Q. You testified earlier that at some point you</p> <p>7 were stop being paid on this project; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And you don't remember exactly when that</p> <p>10 occurred, correct?</p> <p>11 A. No, it's hard to remember that.</p> <p>12 Q. And that's fine.</p> <p>13 What -- how long were you supposed to be paid</p> <p>14 on this project?</p> <p>15 MR. McKEE: Objection.</p> <p>16 THE WITNESS: Actually, that's good</p> <p>17 question. I don't really know. Actually, I</p> <p>18 basically even -- I don't even think I did a</p> <p>19 contract with Vladimir. I think we probably</p> <p>20 just shake hands and he just paid me monthly</p> <p>21 what we, you know, what we decided to be paid,</p> <p>22 and that's how he paid me until I (sic) stopped</p> <p>23 paying and I stopped working.</p> <p>24 BY MR. MANDEL:</p> <p>25 Q. And did he stop paying after you had provided</p>
<p style="text-align: right;">67</p> <p>1 because --</p> <p>2 Q. Okay. Turning your attention to page A8, the</p> <p>3 living room elevations, any similarities in anything in</p> <p>4 that page --</p> <p>5 A. A8.</p> <p>6 Q. -- A8 and any of your drawings?</p> <p>7 A. Not really.</p> <p>8 THE VIDEOGRAPHER: Gentlemen, I have ten</p> <p>9 minutes left on the video.</p> <p>10 THE WITNESS: No, there's nothing there</p> <p>11 similar to what I done, that I can see. Other</p> <p>12 than those doors, if those are the doors going</p> <p>13 into the library, which I don't really know.</p> <p>14 MR. McKEE: Give us a two-minute warning on</p> <p>15 videotape and we will break at that moment.</p> <p>16 THE VIDEOGRAPHER: Okay. Thank you.</p> <p>17 MR. MANDEL: Why don't we change the tape</p> <p>18 right now, if that's okay with everyone.</p> <p>19 THE VIDEOGRAPHER: Sounds good. Standby.</p> <p>20 We are off the video record.</p> <p>21 (Brief recess.)</p> <p>22 THE VIDEOGRAPHER: We're back on the video</p> <p>23 record.</p> <p>24 BY MR. MANDEL:</p> <p>25 Q. Is it pronounced Mr. Calderin?</p>	<p style="text-align: right;">69</p> <p>1 him with everything he needed for construction?</p> <p>2 MR. McKEE: Objection.</p> <p>3 THE WITNESS: I would say yes.</p> <p>4 BY MR. MANDEL:</p> <p>5 Q. So what is it that he needed from you for</p> <p>6 construction?</p> <p>7 A. Well, the working documents that I gave the</p> <p>8 architects and the specifications and the selection of</p> <p>9 all the furniture and all the bathrooms.</p> <p>10 But it was okay. He paid me as long as I was</p> <p>11 working there, so I really didn't have a problem. You</p> <p>12 know, he was -- I think he was fair and I was fair and,</p> <p>13 you know, I rather not fight or discuss with anybody.</p> <p>14 Q. I understand. And when he stopped paying you,</p> <p>15 did you call him to ask what was going on?</p> <p>16 A. No. Actually, I didn't talk to him. I called</p> <p>17 Barry -- Gary, actually, and I told him about it and he,</p> <p>18 you know, said that Vladimir had decided to, you know,</p> <p>19 stop working -- stop working with me.</p> <p>20 Q. And no one ever called you and let you know</p> <p>21 that he had decided to stop working with you?</p> <p>22 A. No, I don't recall. I don't think so.</p> <p>23 Q. And did they have any complaints about your</p> <p>24 performance?</p> <p>25 A. Not that I know of. No, actually, I don't</p>

<p style="text-align: right;">70</p> <p>1 think so, because he was going to hire me to do his</p> <p>2 apartment in Miami, so for sure he was not unhappy with</p> <p>3 my work. Just a businessman.</p> <p>4 Q. What do you mean by that?</p> <p>5 A. That he's a businessman, and if he doesn't need</p> <p>6 you anymore, he doesn't have to keep paying you. I would</p> <p>7 do the same.</p> <p>8 Q. And when you first took on the project, did you</p> <p>9 have an understanding as to whose apartment it was that</p> <p>10 you were renovating?</p> <p>11 A. Yeah, it was his apartment, of course.</p> <p>12 Q. And by "his" you mean Mr. Voronchenko's,</p> <p>13 correct?</p> <p>14 MR. ISRAEL: Objection.</p> <p>15 THE WITNESS: That means -- I heard an</p> <p>16 objection in the back, that means I can answer</p> <p>17 or not answer?</p> <p>18 BY MR. MANDEL:</p> <p>19 Q. Sure, you can answer. People are objecting</p> <p>20 just to preserve their objections for the record. It's</p> <p>21 something all lawyers are required to do. Unless someone</p> <p>22 instructs you not to answer, you're free to go on and</p> <p>23 answer.</p> <p>24 MR. McKEE: Since we are operating</p> <p>25 remotely, that was Mr. Israel who objected, for</p>	<p style="text-align: right;">72</p> <p>1 Q. Okay. And did you feel that you could continue</p> <p>2 on the project without understanding the budget?</p> <p>3 A. I always do. I know how to spend money.</p> <p>4 Q. All right. Do you -- with your understanding</p> <p>5 of the scope of the project, do you have any knowledge or</p> <p>6 understanding of how much was spent on the renovations?</p> <p>7 A. A lot. No, I'm kidding. I don't really know,</p> <p>8 you know. I basically, you know, my jobs are from a</p> <p>9 million up.</p> <p>10 Q. Did you say from a million up?</p> <p>11 A. Yeah. Renovations, yeah. Usually that's what</p> <p>12 they cost.</p> <p>13 Q. And is it your understanding at least a million</p> <p>14 dollars was spent on this renovation?</p> <p>15 MR. ISRAEL: Objection.</p> <p>16 THE WITNESS: I would say, yeah, to the</p> <p>17 best of my knowledge. It would definitely be</p> <p>18 something about that much, including furniture.</p> <p>19 BY MR. MANDEL:</p> <p>20 Q. And when you started the project what, if</p> <p>21 anything, did Mr. Voronchenko or Mr. Braverman or</p> <p>22 Medallion say to you about the time line for the project?</p> <p>23 MR. ISRAEL: Objection.</p> <p>24 THE WITNESS: The time that it was going to</p> <p>25 take to do the project?</p>
<p style="text-align: right;">71</p> <p>1 the benefit of the stenographer.</p> <p>2 THE WITNESS: Okay, whatever.</p> <p>3 Okay, so your question, again, did I know</p> <p>4 it was Voronchenko's apartment? Yes, I did.</p> <p>5 BY MR. MANDEL:</p> <p>6 Q. Okay. Was that clear to you from the time you</p> <p>7 began working on the project?</p> <p>8 A. Yes.</p> <p>9 Q. At any point was there any discussion about</p> <p>10 someone else living in the apartment, other than Mr.</p> <p>11 Voronchenko and his family?</p> <p>12 MR. ISRAEL: Objection.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MR. MANDEL:</p> <p>15 Q. When you began working on the project, was</p> <p>16 there any budget for the project?</p> <p>17 A. Any what? I'm sorry.</p> <p>18 Q. Any budget?</p> <p>19 A. No.</p> <p>20 Q. And at any point in time, did anyone give any</p> <p>21 indication to you as to how much they wanted to spend on</p> <p>22 renovating the apartment?</p> <p>23 A. No.</p> <p>24 Q. Was that a "no"?</p> <p>25 A. Yes. That was a no.</p>	<p style="text-align: right;">73</p> <p>1 BY MR. MANDEL:</p> <p>2 Q. Yes.</p> <p>3 A. He wanted to move in in three months.</p> <p>4 Q. And did you tell him he could move in in three</p> <p>5 months?</p> <p>6 A. Of course, not.</p> <p>7 Q. What did you tell him?</p> <p>8 A. I don't think I told him anything. I just let</p> <p>9 him dream and, you know, and then they can find out that</p> <p>10 it's not going to get done.</p> <p>11 Q. Did -- was it your -- withdrawn.</p> <p>12 So it's -- a three month timeline was totally</p> <p>13 unrealistic, correct?</p> <p>14 A. Yes, completely unrealistic.</p> <p>15 Q. Okay. What would be a reasonable timeline for</p> <p>16 the renovation of this apartment?</p> <p>17 MR. ISRAEL: Objection.</p> <p>18 THE WITNESS: A year.</p> <p>19 BY MR. MANDEL:</p> <p>20 Q. How long?</p> <p>21 A. A year.</p> <p>22 Q. And do you know approximately how long --</p> <p>23 withdrawn.</p> <p>24 Would -- would a one year timeline require a</p> <p>25 very cooperative and easy to work with client?</p>

<p style="text-align: right;">74</p> <p>1 MR. ISRAEL: Objection.</p> <p>2 THE WITNESS: Look, just to give you a fast</p> <p>3 run around. If I work with him for a year and I</p> <p>4 left before nothing was really even done with</p> <p>5 the apartment, imagine how long it takes to do</p> <p>6 the job, so that would give you the answer.</p> <p>7 BY MR. MANDEL:</p> <p>8 Q. Sure. Sure.</p> <p>9 How would you characterize Mr. Voronchenko as a</p> <p>10 client?</p> <p>11 MR. ISRAEL: Objection.</p> <p>12 THE WITNESS: Wonderful person.</p> <p>13 BY MR. MANDEL:</p> <p>14 Q. Sure.</p> <p>15 And you said he would change his mind often,</p> <p>16 correct?</p> <p>17 MR. ISRAEL: Objection.</p> <p>18 THE WITNESS: Yes, of course.</p> <p>19 BY MR. MANDEL:</p> <p>20 Q. And when he changed his mind frequently, that</p> <p>21 would slow down the renovation, correct?</p> <p>22 MR. ISRAEL: Objection.</p> <p>23 THE WITNESS: Well, it will and it would</p> <p>24 not, because, you know, we were always ahead of</p> <p>25 what had to be done. But, yeah, of course,</p>	<p style="text-align: right;">76</p> <p>1 delay was in this particular case with respect to the</p> <p>2 Italian manufacturer?</p> <p>3 A. No. I mean, I think maybe a month, but I was</p> <p>4 just guessing. I really don't know for sure.</p> <p>5 Q. Okay. And do you know -- withdrawn.</p> <p>6 Other than what you already testified to here</p> <p>7 today, was there anything else that slowed down this</p> <p>8 particular project?</p> <p>9 MR. ISRAEL: Objection.</p> <p>10 THE WITNESS: No.</p> <p>11 BY MR. MANDEL:</p> <p>12 Q. In that batch of documents I sent you,</p> <p>13 Mr. Calderin, is the first document should be Plaintiff's</p> <p>14 Exhibit 28.</p> <p>15 Do you have that there? It's an e-mail from</p> <p>16 Ms. Garcia to Mr. Hayden.</p> <p>17 A. Uh-huh. In Exhibit 28, wow, and that was</p> <p>18 Exhibit 28 on that package. 28, 28.</p> <p>19 78? No.</p> <p>20 Q. 28. You know what, forget that document.</p> <p>21 A. Okay, okay.</p> <p>22 Q. Forget that, we don't need to go into that</p> <p>23 document. That's just fine.</p> <p>24 A. Okay.</p> <p>25 Q. I would actually like to turn your attention to</p>
<p style="text-align: right;">75</p> <p>1 sometimes it does slow it down.</p> <p>2 BY MR. MANDEL:</p> <p>3 Q. Uh-huh,</p> <p>4 And was there anything Mr. Voronchenko could</p> <p>5 have done differently to accelerate the pace of the</p> <p>6 renovation?</p> <p>7 MR. ISRAEL: Objection.</p> <p>8 THE WITNESS: There's many things that</p> <p>9 Voronchenko could have done, but real point is</p> <p>10 that this is a creative -- a creative job where,</p> <p>11 you know, idea come as job progresses and</p> <p>12 there's really, you know, there's really very</p> <p>13 little control on it. And you depend on many</p> <p>14 people that are working on the job and that's</p> <p>15 just -- just the way it is.</p> <p>16 And you spending money in a unit that, you</p> <p>17 know, you want to do it right.</p> <p>18 BY MR. MANDEL:</p> <p>19 Q. Uh-huh.</p> <p>20 And you testified earlier that there were</p> <p>21 delays at some point at the Italian manufacturing plant;</p> <p>22 is that correct?</p> <p>23 A. Yeah. I think they took a little longer than</p> <p>24 they were expecting, but that happens on every job.</p> <p>25 Q. Sure. Do you know -- do you know how long the</p>	<p style="text-align: right;">77</p> <p>1 Exhibit 73.</p> <p>2 A. Okay. I have it here.</p> <p>3 Q. That's a new exhibit. Plaintiff's Exhibit 73</p> <p>4 is a new exhibit that is one page long, but it is Bates</p> <p>5 stamped MED 470.</p> <p>6 A. Okay.</p> <p>7 Q. And do you recognize this document?</p> <p>8 A. I didn't write it, so I have no idea. I mean,</p> <p>9 I never saw it.</p> <p>10 Q. So you -- it says on the -- it's an e-mail</p> <p>11 chain. The top e-mail suggests that it was sent to you.</p> <p>12 A. It says here?</p> <p>13 Q. Is pepecalderin@aol.com your e-mail address?</p> <p>14 A. Yeah. I don't read half of the things.</p> <p>15 Okay. Most of the times when I have a designer</p> <p>16 in charge of a job, the e-mail passes through my e-mail,</p> <p>17 but I really don't read it, because I have somebody in</p> <p>18 charge on the job, so my designer will read the e-mail.</p> <p>19 If they need me, they will contact me. If not,</p> <p>20 they will continue with the job. That's why they are the</p> <p>21 designer in charge.</p> <p>22 So yes, it could have gone through my e-mail,</p> <p>23 but I never read it. And if I did, I don't remember.</p> <p>24 Q. Okay.</p> <p>25 A. But I can explain about it. If you want to ask</p>

<p style="text-align: right;">78</p> <p>1 me anything about it, I will be happy to answer it. I</p> <p>2 probably can give you an answer, if you need one.</p> <p>3 Q. Okay. Let me ask you this: Did you ever, did</p> <p>4 you -- withdrawn.</p> <p>5 Earlier today you were shown one exhibit that</p> <p>6 had some images that you said came from your office.</p> <p>7 A. Uh-huh.</p> <p>8 Q. At any point in time did you prepare --</p> <p>9 withdrawn.</p> <p>10 Did that exhibit, which is Plaintiff's Exhibit</p> <p>11 53, for the record, contain a computer-generated</p> <p>12 rendering?</p> <p>13 A. No.</p> <p>14 Q. Okay. What were those -- what are those images</p> <p>15 on page -- on Plaintiff's Exhibit 53?</p> <p>16 A. First of all, I don't know how -- where is --</p> <p>17 what -- you mean the ones that I was looking at before?</p> <p>18 Q. Sure. The first page said living room on it</p> <p>19 and you thought it had come from your office.</p> <p>20 A. There was -- I have no computer renderings in</p> <p>21 this project.</p> <p>22 Q. Okay.</p> <p>23 A. What you saw -- what you saw was a little</p> <p>24 program that was done by some Russian guy for some</p> <p>25 furniture in the bedroom.</p>	<p style="text-align: right;">80</p> <p>1 Q. I understand. Did you prepare -- withdrawn.</p> <p>2 Did your office prepare any renderings on this</p> <p>3 project?</p> <p>4 A. No, I did not.</p> <p>5 Q. Did Mr. Voronchenko, or anyone working with or</p> <p>6 for Mr. Voronchenko, ask you to create any renderings?</p> <p>7 A. No.</p> <p>8 Q. Did you ever discuss the possibility of</p> <p>9 creating renderings?</p> <p>10 A. No, because he needed this. He was rushing on</p> <p>11 this job and he, you know, the renderings was never even</p> <p>12 a -- it was never even, you know, to do rendering takes a</p> <p>13 month to do one rendering or two renderings to do them</p> <p>14 right, three weeks, something like that.</p> <p>15 Q. So if you were going to do renderings for each</p> <p>16 elevation on a renovation of this type, would it be</p> <p>17 possible to do the entire renovation within a year?</p> <p>18 MR. ISRAEL: Objection.</p> <p>19 THE WITNESS: Renderings don't do anything.</p> <p>20 Renderings don't give you the facility to do any</p> <p>21 job. A rendering is just a visual element so</p> <p>22 you can see the room, but it really doesn't give</p> <p>23 you documents. You probably do more by doing</p> <p>24 the elevations than you do by doing renderings,</p> <p>25 because elevations you can build from, but a</p>
<p style="text-align: right;">79</p> <p>1 Is that what you're referring to?</p> <p>2 Q. I'm not sure. Do you have Plaintiff's Exhibit</p> <p>3 53 there?</p> <p>4 A. Well, I have so many papers here, man, that I</p> <p>5 really, you know, can't find my Exhibit 53. 17.</p> <p>6 And it came from you?</p> <p>7 Q. No, it came from Mr. McKee.</p> <p>8 A. Okay. 53, I think I found it.</p> <p>9 Q. Okay. And you see the first page says living</p> <p>10 room in it?</p> <p>11 A. Yes.</p> <p>12 Q. And you see some images there?</p> <p>13 A. What image?</p> <p>14 Q. On, say, on the second page on the right-hand</p> <p>15 side.</p> <p>16 A. Those are like -- those are not computer</p> <p>17 renderings. That's a picture.</p> <p>18 Q. That's a picture. Okay. I'm looking at a</p> <p>19 photocopy, so it's very hard for me to tell. I</p> <p>20 apologize.</p> <p>21 A. Pictures of rooms to show Vladimir what it</p> <p>22 would look like. You know, we took that probably from</p> <p>23 the internet on some -- you know, actually there were</p> <p>24 images done. That's what it is, you know, and actually</p> <p>25 it had to do with a window treatment.</p>	<p style="text-align: right;">81</p> <p>1 rendering you can see how pretty it is, but you</p> <p>2 have no dimensions, nothing to work from it,</p> <p>3 totally useless, other than to show a client</p> <p>4 what the room is going to look like.</p> <p>5 BY MR. MANDEL:</p> <p>6 Q. Right. Okay. Did there ever come a point in</p> <p>7 time when Mr. Voronchenko signed the drawings to show</p> <p>8 that he approved of them?</p> <p>9 A. No, I don't -- I don't think that was never an</p> <p>10 issue. Since I was paying bimonthly, he could have just</p> <p>11 changed his mind a thousand times and I still continue</p> <p>12 working.</p> <p>13 Q. Okay. I'd now like to turn your attention to</p> <p>14 another exhibit, which is one of the documents that I</p> <p>15 sent to you. It's the next one in order Plaintiff's</p> <p>16 Exhibit 74.</p> <p>17 A. Okay. Okay.</p> <p>18 MR. MANDEL: And for the record, this is a</p> <p>19 new exhibit it begins on Bates number page</p> <p>20 MED 468 and continues on page 469.</p> <p>21 BY MR. MANDEL:</p> <p>22 Q. And turning your attention to the second e-mail</p> <p>23 on the first page, it's an e-mail from Alessandra Maroso,</p> <p>24 M-A-R-O-S-O, to Ms. Garcia and to Filip at Libracon and</p> <p>25 to a couple of others.</p>

<p style="text-align: right;">82</p> <p>1 A. Uh-huh.</p> <p>2 Q. And it says on the first line, "Kindly make for</p> <p>3 us as soon as possible photos of all doors on the site.</p> <p>4 We also need all measures of all doors considering the</p> <p>5 height of the finished floor."</p> <p>6 Do you know if that ever occurred?</p> <p>7 A. No, I don't know if it occurred. I'm sure it</p> <p>8 did.</p> <p>9 Q. Okay. And was -- was the Italian manufacturer</p> <p>10 in any way slowed down by a lack of information about the</p> <p>11 apartment?</p> <p>12 MR. ISRAEL: Objection.</p> <p>13 THE WITNESS: Sorry, that again?</p> <p>14 BY MR. McKEE:</p> <p>15 Q. Sure. Was the Italian manufacturer's work</p> <p>16 slowed down because it didn't have information that it</p> <p>17 needed about the apartment?</p> <p>18 MR. ISRAEL: Objection.</p> <p>19 THE WITNESS: If they did, it was their</p> <p>20 fault. They didn't measure.</p> <p>21 BY MR. MANDEL:</p> <p>22 Q. I'm sorry. I didn't understand your answer.</p> <p>23 A. The Italians went and measured the apartment.</p> <p>24 They should known if anything was missing. They should</p> <p>25 have caught it when they were there. That's why they</p>	<p style="text-align: right;">84</p> <p>1 A. I try to do as little as possible.</p> <p>2 Q. I understand. And then towards the second --</p> <p>3 at the end of the second from last paragraph it states,</p> <p>4 "We understood that Mr. Vladimir desires to have bottom</p> <p>5 zone of the bookcase with drawers."</p> <p>6 Do you have any recollection of whether the</p> <p>7 bottom part of the bookcases in the library were going to</p> <p>8 have drawers?</p> <p>9 A. Yeah, I remember that. That's one thing that I</p> <p>10 did remember.</p> <p>11 They were supposed to. It went back and forth</p> <p>12 many times, so I don't know what finally end up</p> <p>13 happening.</p> <p>14 Like I said, since I was never there at the end</p> <p>15 of the installation, I don't know what happened. You</p> <p>16 know, Vladimir could have changed his mind again and made</p> <p>17 it something else, so I don't know. I don't know.</p> <p>18 Q. So that was one of the issues about which</p> <p>19 Mr. Voronchenko changed his mind several times?</p> <p>20 A. Well, after he approved it, I mean, I'm sure if</p> <p>21 he approved it, it was done and over with. If he made a</p> <p>22 mistake, he stick to it. If he bought something and</p> <p>23 he -- and when he got it in, even if it -- I remember</p> <p>24 buying something with him and he bought something and</p> <p>25 it was \$12,000 and he didn't like it, he took it to a</p>
<p style="text-align: right;">83</p> <p>1 went -- that's why they travelled to the United States to</p> <p>2 measure the apartment.</p> <p>3 Q. Okay. Turning your attention to the second</p> <p>4 page of this document.</p> <p>5 A. Uh-huh.</p> <p>6 Q. It states, "Regarding the door Y, we need</p> <p>7 absolutely to know the position of that door. We have a</p> <p>8 dilemma since we received from Mr. Calderin two different</p> <p>9 drawings, one with a Y door in kitchen wall and the other</p> <p>10 one with the Y door at the elevators door."</p> <p>11 Do you have any recollection of that issue?</p> <p>12 A. No.</p> <p>13 Q. And then in the following paragraph there seems</p> <p>14 to be an issue about doors R and S. Do you have any</p> <p>15 recollection -- I just ask you to read that paragraph to</p> <p>16 yourself and ask you if you have any recollection of that</p> <p>17 issue.</p> <p>18 A. You know, it's hard for me to recollect, you</p> <p>19 know, three years.</p> <p>20 Q. I understand. There is absolutely no reason</p> <p>21 for you to apologize about recollecting. I'm sure if the</p> <p>22 three lawyers in this room were in your shoes, these sort</p> <p>23 of details that we wouldn't recollect either.</p> <p>24 I'm just trying to understand what you do and</p> <p>25 don't recollect.</p>	<p style="text-align: right;">85</p> <p>1 warehouse and told me, "Forget it, let's start from</p> <p>2 scratch." So --</p> <p>3 Q. What item was that?</p> <p>4 A. That was a bathtub that we order -- that I</p> <p>5 order for him and he didn't like it.</p> <p>6 Q. And he didn't like it once he saw it in person?</p> <p>7 A. He didn't like it because it was actually a</p> <p>8 little too big and he was not happy with it.</p> <p>9 Q. So he bought a different bathtub instead?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And then I'd like to turn your attention</p> <p>12 to the last paragraph of this e-mail, which is in all</p> <p>13 capital letters it states, "To all those requests we need</p> <p>14 to get immediate answers because we cannot afford to lose</p> <p>15 any more time, both ours and our clients, on</p> <p>16 misunderstandings and waiting for the incomplete and</p> <p>17 wrong answers."</p> <p>18 Was this an issue that the Italian manufacturer</p> <p>19 was confronting at some point in time?</p> <p>20 A. No. I'm sure they sent this to Kathy. I'm</p> <p>21 sure there must have been some kind of problem, but there</p> <p>22 was nothing I could do about it. I mean, you're going to</p> <p>23 have to ask the contractor, you know, he was the one in</p> <p>24 charge of handling the job. And at this point, I was</p> <p>25 almost out of the job.</p>

<p style="text-align: right;">86</p> <p>1 Q. Do you remember whether you were still actively</p> <p>2 working on the job at this time?</p> <p>3 A. No, I don't remember.</p> <p>4 Q. Okay.</p> <p>5 A. Does it have a date here?</p> <p>6 Q. This e-mail seems to be from April 2010.</p> <p>7 A. Yeah, it's hard for me to, you know --</p> <p>8 Q. Sure. Was there any point in time your office</p> <p>9 slowed down because you had incomplete or incorrect</p> <p>10 information?</p> <p>11 A. That my office would slow down?</p> <p>12 Q. Yeah.</p> <p>13 A. Not really. Anything we needed we just call</p> <p>14 the contractor. He was on the job site. He did any</p> <p>15 measurements we needed to have. I don't think that was</p> <p>16 ever a problem.</p> <p>17 Q. Turning to Plaintiff's Exhibit 76, which is</p> <p>18 also in that packet of material that I provided to you.</p> <p>19 A. Uh-huh.</p> <p>20 Q. Do you have that document there?</p> <p>21 A. I'm going through it. Give me one second.</p> <p>22 76 where the hell is that. Wow, you sure you</p> <p>23 sent me a 76?</p> <p>24 Q. Yeah.</p> <p>25 A. Okay, I got it.</p>	<p style="text-align: right;">88</p> <p>1 A. Uh-huh.</p> <p>2 MR. MANDEL: For the record, Plaintiff's</p> <p>3 Exhibit 77 is a new exhibit that it begins Bates</p> <p>4 number MED 491 and continues through 493.</p> <p>5 BY MR. MANDEL:</p> <p>6 Q. I would just draw your attention to the</p> <p>7 second -- I guess, it's the third paragraph in that</p> <p>8 e-mail actually and it says, "Please make some changes on</p> <p>9 the drawings for the living room."</p> <p>10 And I know we've asked you several times today</p> <p>11 whether you remember exactly when you stopped working,</p> <p>12 and I'm not going to ask you that question again, but I</p> <p>13 am going to ask you whether you recall whether in</p> <p>14 September 2010 you were still providing additional</p> <p>15 drawings on the project?</p> <p>16 A. No -- well, drawings you mean like changing --</p> <p>17 when you say drawings, you know, you make it sound like</p> <p>18 I'm doing a complete set of drawings, no.</p> <p>19 When I change something, all I do is just take</p> <p>20 that elevation. Since I have my plans in AutoCAD, I</p> <p>21 change whatever it is I have to do, and I'll send it</p> <p>22 through e-mail and that's the change. That's the extent</p> <p>23 of that change.</p> <p>24 Q. Okay. So you might have made very modest</p> <p>25 changes in drawings that are in the exhibits in September</p>
<p style="text-align: right;">87</p> <p>1 MR. MANDEL: Okay. I just ask --</p> <p>2 for the record, Plaintiff's Exhibit 76 is a new</p> <p>3 exhibit, one page long. It's Bates numbered</p> <p>4 MED 269.</p> <p>5 BY MR. MANDEL:</p> <p>6 Q. I just ask you -- there's one e-mail on this</p> <p>7 page, I just ask you Mr. Calderin to read that one</p> <p>8 paragraph to yourself.</p> <p>9 A. Okay. Okay.</p> <p>10 Q. Was there ever an issue with your office</p> <p>11 providing Mr. Voronchenko with a number of different</p> <p>12 options, him just not providing feedback on which he</p> <p>13 liked and disliked?</p> <p>14 MR. ISRAEL: Objection.</p> <p>15 THE WITNESS: No, because he had Oxana</p> <p>16 which was -- she was always in communication</p> <p>17 with Mr. Voronchenko, so he would take care of</p> <p>18 everything.</p> <p>19 BY MR. MANDEL:</p> <p>20 Q. So presumably some time after this e-mail was</p> <p>21 sent Oxana provided guidance on the fabrics that you</p> <p>22 provided beforehand?</p> <p>23 A. I'm pretty sure they took care of it.</p> <p>24 Q. Turning attention to next exhibit Plaintiff's</p> <p>25 77.</p>	<p style="text-align: right;">89</p> <p>1 2010.</p> <p>2 A. Many times on many things.</p> <p>3 Q. Okay.</p> <p>4 A. And those changes take, you know, half an hour,</p> <p>5 an hour to change. I mean, it's nothing -- nothing major</p> <p>6 after we have the file.</p> <p>7 Q. Understood. Was there ever any point in time</p> <p>8 when the Italian manufacturer changed any of the designs</p> <p>9 that you were -- that you had prepared?</p> <p>10 MR. ISRAEL: Objection.</p> <p>11 THE WITNESS: I have no idea. If they did,</p> <p>12 I was already gone from the job. Like I said, I</p> <p>13 left when they were hired and I really never saw</p> <p>14 anything else after that. So everything could</p> <p>15 have been different than what I -- that we</p> <p>16 talked originally.</p> <p>17 BY MR. MANDEL:</p> <p>18 Q. Okay. I'd like to turn -- I'm sorry, I didn't</p> <p>19 mean to interrupt you.</p> <p>20 A. No, that was it.</p> <p>21 Q. Okay. I'd like to turn your attention to</p> <p>22 Plaintiff's Exhibit 78, which is the next exhibit there.</p> <p>23 A. Okay.</p> <p>24 Q. It is MED. It's a new exhibit. It begins on</p> <p>25 Bates number 534 and continues through 535.</p>

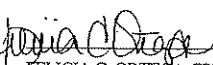


<p style="text-align: right;">90</p> <p>1 And here this document appears to have a</p> <p>2 reference to the Italians changing something.</p> <p>3 Does this in any way change your recollection</p> <p>4 of whether the Italian manufacturer ever changed any of</p> <p>5 your designs?</p> <p>6 A. I think they must have, yeah, there was</p> <p>7 something I remember that they did that it was not</p> <p>8 supposed to be done. I think they make the bottom</p> <p>9 instead of brushed mirror they made it lacquer because</p> <p>10 there was a bed in front of it.</p> <p>11 I don't really recall too much, but I know</p> <p>12 there was something there that was -- that was not the</p> <p>13 way we have asked for originally.</p> <p>14 Q. And was that changed in the bedroom?</p> <p>15 A. Yeah, that was a change in the -- in the</p> <p>16 elevation on that headboard.</p> <p>17 Q. And did Mr. Voronchenko ever approve that</p> <p>18 change?</p> <p>19 A. I don't know. I don't think he did. I have no</p> <p>20 idea. I mean, like I said, when this came, it was</p> <p>21 already -- I was already gone from this job.</p> <p>22 So November 30, 2010 I was already not working</p> <p>23 with it. I gave the answer because Oxana would still</p> <p>24 call me every once in a while and I would, you know, I</p> <p>25 became friendly with Vladimir and I would not just leave</p>	<p style="text-align: right;">92</p> <p>1 The bronze mirror was going, and I guess I</p> <p>2 answer, yes, we change it because the Italian -- actually</p> <p>3 I got that information from Kathy because I really don't</p> <p>4 remember what the hell happen. He said yes, we change it</p> <p>5 because the Italian insisted it was the wrong thing. Our</p> <p>6 original drawings are mirror to the floor. I will send</p> <p>7 you the elevation, Kathy has it, so I guess Kathy send</p> <p>8 them the elevation.</p> <p>9 Q. Other than everything you testified to here</p> <p>10 today, were there any other difficulties or troubles or</p> <p>11 delays that you had on this project that you haven't yet</p> <p>12 discussed today?</p> <p>13 A. I never had any delays. I was always on time</p> <p>14 with everything.</p> <p>15 Q. Sure. You know, let me rephrase that question.</p> <p>16 Other than what you have already testified to</p> <p>17 here today, were there any other problems or difficulties</p> <p>18 that anyone experienced on this project that you're aware</p> <p>19 of?</p> <p>20 MR. ISRAEL: Objection.</p> <p>21 THE WITNESS: Okay. Let me rephrase that</p> <p>22 again.</p> <p>23 None of this is really problems or</p> <p>24 difficulties because I go through this every day</p> <p>25 and it's part of the normal job.</p>
<p style="text-align: right;">91</p> <p>1 him hanging, if he needed an answer, but I was not</p> <p>2 involved in the job anymore.</p> <p>3 Q. Okay. And I'd ask you to turn your attention</p> <p>4 to Plaintiff's Exhibit 79, which is the next document.</p> <p>5 A. 79.</p> <p>6 MR. MANDEL: For the record, Plaintiff's</p> <p>7 Exhibit 79 begins on Bates number page MED 533.</p> <p>8 THE WITNESS: Uh-huh.</p> <p>9 MR. MANDEL: And the second page is MED 530</p> <p>10 and the third page is MED 531.</p> <p>11 THE WITNESS: Okay.</p> <p>12 BY MR. MANDEL:</p> <p>13 Q. Is this -- is Plaintiff's Exhibit 79, does this</p> <p>14 contain an e-mail from you, Mr. Calderin?</p> <p>15 A. Okay.</p> <p>16 Q. I'm asking, does it? I don't know.</p> <p>17 A. No, it could be -- oh, that could have been me.</p> <p>18 Q. And do you remember what issue you were</p> <p>19 addressing in this e-mail?</p> <p>20 A. We were referring to that -- to that same</p> <p>21 headboard, to the elevation that we were just talking</p> <p>22 about before on 78 that we just show.</p> <p>23 Q. And this is the headboard in the master</p> <p>24 bedroom?</p> <p>25 A. Yeah. Correct. There you go.</p>	<p style="text-align: right;">93</p> <p>1 BY MR. MANDEL:</p> <p>2 Q. So all these little bumps in the road are just</p> <p>3 part of the process?</p> <p>4 A. Yes, of course.</p> <p>5 Q. Okay. All right.</p> <p>6 A. It's a creative issue. Remember Michael Angelo</p> <p>7 painted the ceilings. He was going to have it ready in a</p> <p>8 year. Well --</p> <p>9 Q. At any point -- withdrawn.</p> <p>10 I will represent to you that Mr. Voronchenko</p> <p>11 testified in this case that he instructed you to</p> <p>12 incorporate certain aspects of Triach's designs into</p> <p>13 your -- into your -- into your designs in this case.</p> <p>14 MR. ISRAEL: Objection.</p> <p>15 MR. McKEE: Objection. That's an objection</p> <p>16 by both of the attorneys.</p> <p>17 THE WITNESS: I don't understand what</p> <p>18 you're saying because I never -- you said that</p> <p>19 Voronchenko told you that he asked me to</p> <p>20 incorporate three whatever architecture's design</p> <p>21 into my plans?</p> <p>22 BY MR. MANDEL:</p> <p>23 Q. Yes.</p> <p>24 A. He told you that?</p> <p>25 Q. Yes.</p>

<p style="text-align: right;">94</p> <p>1 A. Okay, well --</p> <p>2 MR. ISRAEL: Objection.</p> <p>3 THE WITNESS: -- well, that's what he did.</p> <p>4 Maybe you know about it, because I didn't know</p> <p>5 about that.</p> <p>6 BY MR. MANDEL:</p> <p>7 Q. So do you have -- is it your testimony that</p> <p>8 Mr. Voronchenko is mistaken?</p> <p>9 A. No. I'm not saying anything. I don't know</p> <p>10 what Voronchenko's testimonies are or his idea was, but</p> <p>11 he never told me that he had any other designer doing his</p> <p>12 job or had a set of plans from any other designer that he</p> <p>13 was copying from.</p> <p>14 Q. Okay. So it's your testimony that you never</p> <p>15 incorporated any aspect of anyone's drawings or designs</p> <p>16 with respect to any of the doors in the apartment?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And it's your testimony that you didn't</p> <p>19 incorporate any other designer's drawings or designs with</p> <p>20 respect to any of the walls in the apartment?</p> <p>21 A. Correct.</p> <p>22 Q. Okay.</p> <p>23 A. I only incorporated what Vladimir told me to</p> <p>24 do. And now, if he was coping somebody from somebody</p> <p>25 else, that's his problem, but not mine.</p>	<p style="text-align: right;">96</p> <p>1 A. Let's see. Finishes on bathrooms, you know. I</p> <p>2 mean, there was always -- of course, there were things he</p> <p>3 did not agree and things that I did not agree. I mean,</p> <p>4 but do I remember every one of them or even -- I don't</p> <p>5 remember, but I'm sure there were things that we disagree</p> <p>6 on.</p> <p>7 Q. You and Mr. Voronchenko had some artistic</p> <p>8 differences on the project?</p> <p>9 A. I do with every client.</p> <p>10 Q. Sure. It's standard?</p> <p>11 A. Yes.</p> <p>12 Q. And other than issues with the bathroom, do you</p> <p>13 remember any other artistic disagreement you and</p> <p>14 Mr. Voronchenko had on this project?</p> <p>15 A. Usually most of the times I try to convince</p> <p>16 them, so, you know, we have things on the fireplace and</p> <p>17 the onyx and, you know, the way we were going to open the</p> <p>18 spaces and, you know, ceilings. Well, the ceilings we</p> <p>19 didn't have any issue with.</p> <p>20 You know, flooring, he wanted to do, you know,</p> <p>21 elaborate floors in the entry. I didn't want to do any</p> <p>22 elaborate floor on the entry. Just stuff like that.</p> <p>23 I mean, I wanted to bring, I think, the wood</p> <p>24 all the way into the master bedroom. He wanted to put</p> <p>25 carpet, you know. It was just, you know, people's</p>
<p style="text-align: right;">95</p> <p>1 Q. I understand.</p> <p>2 A. But I never -- I never -- this is the first</p> <p>3 time I hear something like that.</p> <p>4 Q. Okay. Was it your understanding that</p> <p>5 Mr. Hayden was supposed to incorporate your designs into</p> <p>6 his drawings?</p> <p>7 A. I don't know if he needed to incorporate. All</p> <p>8 he needed to incorporate was my lighting plan and my</p> <p>9 seating plan. He didn't need to incorporate anything</p> <p>10 else.</p> <p>11 Q. Do you know if he did incorporate any of your</p> <p>12 elevations into his plans?</p> <p>13 A. I saw it on his plan.</p> <p>14 Q. So you saw that he did incorporate?</p> <p>15 A. Yes, of course.</p> <p>16 Q. Was it your understanding that he was going to</p> <p>17 incorporate your designs into his drawings?</p> <p>18 A. I really don't care less if he did or not</p> <p>19 because it didn't really matter to me whether he</p> <p>20 incorporated or not.</p> <p>21 Q. Were there any recommendations that you made to</p> <p>22 Mr. Voronchenko that he, you know, disagreed with or, you</p> <p>23 know, went a different way on?</p> <p>24 A. Yes, of course.</p> <p>25 Q. And do you recall what any of those were?</p>	<p style="text-align: right;">97</p> <p>1 preference and --</p> <p>2 Q. Would you ever send any invoices to Medallion?</p> <p>3 A. Invoices for what?</p> <p>4 Q. Invoices for your work.</p> <p>5 A. I don't know -- yeah, probably I did.</p> <p>6 Q. Okay. And --</p> <p>7 A. But I didn't sent it to Medallion. I think I</p> <p>8 was sending it to Barry.</p> <p>9 Q. To Gary?</p> <p>10 A. Gary, yeah.</p> <p>11 Q. Do you know who owns Medallion?</p> <p>12 A. I have no idea.</p> <p>13 Q. Do you have any understanding of whether the</p> <p>14 apartment is worth more after the renovation than prior</p> <p>15 to the renovation?</p> <p>16 MR. ISRAEL: Objection.</p> <p>17 THE WITNESS: What it's worth?</p> <p>18 BY MR. MANDEL:</p> <p>19 Q. Yeah.</p> <p>20 A. You mean the whole apartment? I have a pretty</p> <p>21 good idea of what an apartment in Park Avenue is worth.</p> <p>22 Q. How much?</p> <p>23 A. I would say close to 14 million.</p> <p>24 Q. And was it worth more after the renovation than</p> <p>25 before the renovation?</p>

<p style="text-align: right;">98</p> <p>1 MR. ISRAEL: Objection.</p> <p>2 THE WITNESS: Well, if you put money into</p> <p>3 the apartment, of course it's going to be worth</p> <p>4 more, but it all depends on the market, you</p> <p>5 should know that, you live in New York.</p> <p>6 BY MR. MANDEL:</p> <p>7 Q. Do you have any understanding as to how much</p> <p>8 more the renovations of this type would increase the</p> <p>9 value of a Park Avenue apartment?</p> <p>10 MR. ISRAEL: Object to the form.</p> <p>11 THE WITNESS: Does this have something do</p> <p>12 with this case?</p> <p>13 BY MR. MANDEL:</p> <p>14 Q. Yes.</p> <p>15 A. Really? What me, an interior designer has an</p> <p>16 idea? Why don't you get a realtor to really give you</p> <p>17 that explanation, because I really, you know, I really --</p> <p>18 you're asking the wrong person.</p> <p>19 Q. Okay, so you don't -- you don't have -- you</p> <p>20 don't have enough confidence in your opinion to opine on</p> <p>21 this?</p> <p>22 A. To tell you how much an apartment is worth in</p> <p>23 New York when I live in Miami?</p> <p>24 I am an interior designer. I have no real</p> <p>25 knowledge about real estate in New York City. Yeah, I</p>	<p style="text-align: right;">100</p> <p>1 manufacturer; is that correct?</p> <p>2 A. Yeah, we probably had received something to</p> <p>3 look at for, you know, accepting whatever it is that we</p> <p>4 are doing, the shop drawings.</p> <p>5 Q. Sure. And sitting here today, do you recall</p> <p>6 what drawings were provided to you by the Italian</p> <p>7 manufacturer?</p> <p>8 A. There must have been some shop drawings.</p> <p>9 Do I remember? Vaguely, I remember something,</p> <p>10 but I -- you know, if you ask me to swear what they look</p> <p>11 like, I would be lying to you.</p> <p>12 Q. Sure. So you have a recollection of receiving</p> <p>13 something from the Italian manufacturer, but you don't</p> <p>14 recall precisely what it was; is that correct?</p> <p>15 A. I recall that there was something that was sent</p> <p>16 for us to take a look at because I remember Kathy showing</p> <p>17 me something, but I, you know, I can't remember.</p> <p>18 I don't even can't remember to what extent of</p> <p>19 drawings there were.</p> <p>20 Q. And when you started the project, did</p> <p>21 Mr. Voronchenko tell you he wanted to do something in the</p> <p>22 art deco style?</p> <p>23 A. He wanted a mix of an art deco with modern. He</p> <p>24 has seen my work that is very modern and -- and he wanted</p> <p>25 something that had a little bit of more modern -- I used</p>
<p style="text-align: right;">99</p> <p>1 think the question is really ridiculous.</p> <p>2 I mean, I already told you what I thought that</p> <p>3 we spent inside the unit, you know. You know basically</p> <p>4 what New York apartments are worth, you do the addition</p> <p>5 and you'll be able to find out what it costs.</p> <p>6 And I'm getting a headache, already, so --</p> <p>7 Q. I have maybe five more minutes of questions, I</p> <p>8 think, Mr. Calderin, and I'm sorry about that.</p> <p>9 A. Okay.</p> <p>10 Q. Do you remember Plaintiff's Exhibit 54, which</p> <p>11 was the Libracon drawings that you were asked about</p> <p>12 earlier today?</p> <p>13 A. 54? And that's from who's --</p> <p>14 Q. Oh, that was from Mr. McKee's stack, not my</p> <p>15 stack.</p> <p>16 A. Uh-huh, 54. Libracon, I remember seeing</p> <p>17 something, 54, 54.</p> <p>18 Okay, here we are. I got it.</p> <p>19 Q. Was this the only Libracon drawings that was</p> <p>20 provided to your office or were there other Libracon</p> <p>21 drawings provided to your office?</p> <p>22 A. I don't know. I can't give you that answer.</p> <p>23 There could have been more. I don't recall.</p> <p>24 Q. Earlier you testified either that you did or</p> <p>25 your office may have received drawings from the Italian</p>	<p style="text-align: right;">101</p> <p>1 to do -- I do a lot of onyx, you know, lighting with</p> <p>2 lighting behind and, you know, stuff like a lot of</p> <p>3 soffits with LED lighting and he liked it and he wanted</p> <p>4 to use that in his apartment in New York.</p> <p>5 Q. Sure. And did your ultimate design on the</p> <p>6 project incorporate any art deco aspects?</p> <p>7 A. Did I incorporate any art? Yeah, some of the</p> <p>8 things that he wanted were art deco --</p> <p>9 Q. Okay.</p> <p>10 A. -- or had that kind of flare.</p> <p>11 Q. Am I correct that art deco wasn't the</p> <p>12 predominant style in your ultimate design?</p> <p>13 A. It was? It was -- no, I think it was not a</p> <p>14 predominant, no.</p> <p>15 I mean, look at everything in the apartment. I</p> <p>16 mean, none of the bathrooms are really art deco and I</p> <p>17 don't think the living room was really art deco and</p> <p>18 neither was the furniture. It had a flare, but it was</p> <p>19 not art deco.</p> <p>20 I'm giving you art deco for lack of a style</p> <p>21 because it was really more like the New York eccentric</p> <p>22 design. The furniture was not, you know, every day</p> <p>23 furniture, and we have some very modern pieces there too,</p> <p>24 including, you know, I bought a lobster chair which is a</p> <p>25 classic chair, you know, and the dining room table was an</p>

<p style="text-align: right;">102</p> <p>1 Italian manufacturer, also very modern.</p> <p>2 So, you know, we had a real mix and the</p> <p>3 chandelier was from Hudson International, which is</p> <p>4 actually a design, very -- it just became famous maybe</p> <p>5 three years ago.</p> <p>6 So we had a real mix of furniture, including a</p> <p>7 Bernini -- I'm sorry, Borowski chandelier that we used in</p> <p>8 the foyer. It was real a mix. There was really no art</p> <p>9 deco, art deco.</p> <p>10 Q. And did Oxana provide you with some base plans</p> <p>11 when you started on the project?</p> <p>12 A. No. Oxana came after I met with Vladimir a few</p> <p>13 times. Actually, before Oxana there was somebody else.</p> <p>14 Q. Do you remember -- well, you already testified</p> <p>15 that you don't remember talking with me on the phone, but</p> <p>16 I have here a memo that says that you told me that</p> <p>17 Calderin -- excuse me, that you said that you were</p> <p>18 provided with base plans from Oxana.</p> <p>19 So am I correct, your memory has changed since</p> <p>20 your telephone call?</p> <p>21 A. No. Maybe she gave me a plan, probably. I</p> <p>22 don't know who gave me a plan. Maybe it wasn't Oxana.</p> <p>23 Maybe it was the other girl who work with him before</p> <p>24 because she came later on.</p> <p>25 Q. Okay. So someone provided you with some base</p>	<p style="text-align: right;">104</p> <p>1 Q. Yeah.</p> <p>2 A. It was a plan just like that, but without all</p> <p>3 the little hatching on the walls.</p> <p>4 Q. I understand. At some point were you provided</p> <p>5 with apartment measurements that were incorrect?</p> <p>6 A. Yes, I was provided by, what's his name, by the</p> <p>7 contractor.</p> <p>8 Q. Dragan?</p> <p>9 A. Yes.</p> <p>10 Q. And is that why -- so did you have Dragan</p> <p>11 redo -- is that why you had Dragan redo the measurements?</p> <p>12 A. Well, after drawing the apartment and going</p> <p>13 there, I realize that there was the dimensions according</p> <p>14 to these plans, were not right. So I had him measure the</p> <p>15 walls so I could do the changes that I needed to do.</p> <p>16 Q. Okay. And then I have here, I'm just going to</p> <p>17 read one other section of notes from my telephone</p> <p>18 conversations with you, "Mr. Calderin did not recall who</p> <p>19 had prepared the drawings with which he was provided. He</p> <p>20 did not know whether he had been provided with Triarch or</p> <p>21 Hayden or Libracon drawings."</p> <p>22 Have you done something in the last few weeks</p> <p>23 to try to refresh your recollection about this case?</p> <p>24 A. No.</p> <p>25 Q. Okay. So do you recall telling me on June 5th,</p>
<p style="text-align: right;">103</p> <p>1 plans, but you don't remember who that was?</p> <p>2 A. Well, there was another girl by the name of</p> <p>3 Elena, I think it was. Maybe it was her.</p> <p>4 Hey, look, man, you're talking about three</p> <p>5 years ago --</p> <p>6 Q. Sure.</p> <p>7 A. -- and you're trying to -- you're trying to</p> <p>8 you -- you know, make me feel like I'm a liar and I'm</p> <p>9 getting pissed off, and I'm going to get up and leave.</p> <p>10 Q. Sure. Sitting here today, do you recall who</p> <p>11 prepared those base plans that were provided to you?</p> <p>12 A. It was just a plain plan from the apartment.</p> <p>13 Q. Was it the existing condition?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And -- okay.</p> <p>16 A. Do you understand what a base plan is?</p> <p>17 Q. Why don't you tell me because I might be</p> <p>18 confused.</p> <p>19 A. It's a plan that has any dimensions and it has</p> <p>20 the existing conditions in the apartment. And actually,</p> <p>21 if you go to the exhibit of Mr. Garth, whatever the</p> <p>22 architect's name is.</p> <p>23 Q. Mr. Hayden, Garth Hayden?</p> <p>24 A. Yes, sir. If you go to his plans and you look</p> <p>25 at this first plan in Exhibit A, A1.</p>	<p style="text-align: right;">105</p> <p>1 2012 that you didn't recall whether you had been provided</p> <p>2 with Triarch drawings?</p> <p>3 A. I'm sorry?</p> <p>4 Q. Do you recall telling me on June 5th, 2012 that</p> <p>5 you didn't know whether you had been provided with</p> <p>6 Triarch drawings?</p> <p>7 MR. ISRAEL: Objection.</p> <p>8 THE WITNESS: I said to you that I was not</p> <p>9 provided with Triarch drawings.</p> <p>10 BY MR. MANDEL:</p> <p>11 Q. Is that your recollection of what you said to</p> <p>12 me?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So you do remember the conversation with</p> <p>15 me?</p> <p>16 A. With you?</p> <p>17 MR. ISRAEL: Objection.</p> <p>18 THE WITNESS: I don't -- you're telling me</p> <p>19 the conversation. I don't remember talking to</p> <p>20 you.</p> <p>21 BY MR. MANDEL:</p> <p>22 Q. Okay. So I recall --</p> <p>23 A. Look, I talk to you and three other guys have</p> <p>24 called me from this same case, on top of that I have 20</p> <p>25 jobs that I'm working on and a family and I don't have</p>

<p style="text-align: right;">106</p> <p>1 time to really be thinking about what Voronchenko's sues</p> <p>2 is all about or what you guys are doing, because I really</p> <p>3 don't care about it.</p> <p>4 I'm here as a favor and I'm getting -- and I'm</p> <p>5 getting really tired.</p> <p>6 Q. Sure. And who are you here as a favor to?</p> <p>7 A. You guys.</p> <p>8 Q. Okay. Yes, and we very much appreciate that.</p> <p>9 I'm just a little -- a little confused because</p> <p>10 I recall having a conversation with you and I prepared a</p> <p>11 long memo right after that conversation that memorialized</p> <p>12 our conversation and what I have in my notes it says,</p> <p>13 "Mr. Calderin did not know whether he had been provided</p> <p>14 with Triarch, Garth Hayden or Libracon drawings."</p> <p>15 MR. ISRAEL: Objection.</p> <p>16 BY MR. MANDEL:</p> <p>17 Q. Is that statement consistent with your memory</p> <p>18 or is that statement incorrect?</p> <p>19 MR. ISRAEL: Objection.</p> <p>20 MR. McKEE: Objection for both on the</p> <p>21 record.</p> <p>22 THE WITNESS: If you ask me that, you</p> <p>23 probably asked that in a very fishy and</p> <p>24 strategic way to try to get me to say that</p> <p>25 Triarch was one of the architects, because you</p>	<p style="text-align: right;">108</p> <p>1 Q. I want to know whatever the truth is, Mr.</p> <p>2 Calderin.</p> <p>3 A. I'm telling you the truth. I'm telling you the</p> <p>4 truth, but you don't want to understand it. You keep</p> <p>5 asking the same question.</p> <p>6 So if you want me to tell you that, yes, I have</p> <p>7 his plans, I will tell you, because I want to go home.</p> <p>8 Okay. I'm tired. I've been here for two hours and I</p> <p>9 don't really want to talk anymore.</p> <p>10 Q. Right. Well, I certainly don't want you to say</p> <p>11 anything that is not true.</p> <p>12 A. Okay. Well, then, stop asking the same</p> <p>13 question.</p> <p>14 Q. All right. And are you aware of what AutoCAD</p> <p>15 drawings were and were not provided to your office?</p> <p>16 MR. ISRAEL: Objection.</p> <p>17 THE WITNESS: I'm sorry, can you repeat</p> <p>18 that again?</p> <p>19 BY MR. MANDEL:</p> <p>20 Q. Sure. Do you know what AutoCAD drawings or</p> <p>21 AutoCAD files were and were not provided to your office?</p> <p>22 MR. ISRAEL: Objection.</p> <p>23 THE WITNESS: I keep saying, and I said</p> <p>24 this before and I said it to the other lawyer,</p> <p>25 there was no AutoCAD supplied to my office.</p>
<p style="text-align: right;">107</p> <p>1 probably just said it, and I was not paying</p> <p>2 attention, because what you're trying to do is</p> <p>3 trying to trick me into saying something that is</p> <p>4 not right.</p> <p>5 BY MR. MANDEL:</p> <p>6 Q. Let me ask you this question: Am I correct</p> <p>7 that you testified that you lost more than -- withdrawn.</p> <p>8 Am I correct that you testified that you no</p> <p>9 longer have more than half of the file on this particular</p> <p>10 project?</p> <p>11 MR. ISRAEL: Objection.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MR. MANDEL:</p> <p>14 Q. Okay. And how can you be certain that there</p> <p>15 are no Triarch drawings in the file that you no longer</p> <p>16 have?</p> <p>17 MR. ISRAEL: Objection.</p> <p>18 THE WITNESS: Because I never even heard of</p> <p>19 that company until I got -- I received a set of</p> <p>20 plans. So, you know, you want to come to my</p> <p>21 office and check my computers? Do you want --</p> <p>22 you want to say you -- would it make you happy</p> <p>23 for me to say that I do have those plans?</p> <p>24 Would that make you happy?</p> <p>25 BY MR. MANDEL:</p>	<p style="text-align: right;">109</p> <p>1 BY MR. MANDEL:</p> <p>2 Q. Okay.</p> <p>3 A. There was a base -- there was a base plan, it</p> <p>4 was a paper based plan which I have to trace and make it</p> <p>5 into an AutoCAD drawing.</p> <p>6 Q. Okay. So you're -- and you're confident that</p> <p>7 you know what AutoCAD drawings were and were not received</p> <p>8 by Ms. Garcia?</p> <p>9 MR. ISRAEL: Objection.</p> <p>10 MR. McKEE: Objection.</p> <p>11 THE WITNESS: Yes, I am.</p> <p>12 MR. MANDEL: All right. I have no further</p> <p>13 questions unless --</p> <p>14 THE WITNESS: Thank God.</p> <p>15 MR. MANDEL: -- unless there's redirect or</p> <p>16 recross after you guys go.</p> <p>17 MR. ISRAEL: Mr. Calderin.</p> <p>18 THE WITNESS: Yes.</p> <p>19 MR. ISRAEL: This is Sam Israel. I</p> <p>20 represent Mr. Voronchenko and Medallion. How</p> <p>21 are you?</p> <p>22 THE WITNESS: I'm tired.</p> <p>23 MR. ISRAEL: Tired. You're tired, am I right?</p> <p>24 THE WITNESS: Yes, absolutely.</p> <p>25 MR. ISRAEL: And I've got some very good</p>

<p style="text-align: right;">110</p> <p>1 news for you. I have no questions for you.</p> <p>2 THE WITNESS: Okay.</p> <p>3 MR. ISRAEL: So thank you for spending the</p> <p>4 time and I'm sorry that it might have been a</p> <p>5 little trying on your patience at times.</p> <p>6 THE WITNESS: It's okay.</p> <p>7 MR. ISRAEL: We all appreciate it.</p> <p>8 MR. McKEE: We're going to close the</p> <p>9 record, Mr. Calderin. Thank you very much for</p> <p>10 your appearance today. Your cooperation is</p> <p>11 greatly appreciated.</p> <p>12 THE VIDEOGRAPHER: Stand by to go off the</p> <p>13 video record, sir.</p> <p>14 We are off the record at 4:36 p.m.</p> <p>15 (The deposition was concluded at 4:36 p.m.)</p> <p>16 (Reading and signing of the deposition was not</p> <p>17 waived by the witness and all parties.)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">112</p> <p>1 CERTIFICATE OF OATH</p> <p>2</p> <p>3 STATE OF FLORIDA</p> <p>4 COUNTY OF MIAMI-DADE</p> <p>5</p> <p>6 I, FELICIA C. ORTEGA, Florida Professional Reporter,</p> <p>7 Notary Public, State of Florida, certify that</p> <p>8 PEPE CALDERIN personally appeared before me on the 25th</p> <p>9 day of July, 2012, and was duly sworn.</p> <p>10 Signed this 3rd day of August, 2012.</p> <p>11</p> <p>12</p> <p>13  FELICIA C. ORTEGA, FPR</p> <p>14 Notary Public, State of Florida</p> <p>15 Commission No.: DD873818</p> <p>16 Commission Expires: April 22, 2013</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">111</p> <p>1</p> <p>2</p> <p>3</p> <p>4 _____</p> <p>5 DEPONENT</p> <p>6</p> <p>7 SUBSCRIBED AND SWORN TO BEFORE me</p> <p>8 this _____ day of _____, 2012, in the City of</p> <p>9 Miami, County of Miami-Dade, State of Florida.</p> <p>10</p> <p>11 _____</p> <p>12 NOTARY PUBLIC</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">113</p> <p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 STATE OF FLORIDA</p> <p>4 COUNTY OF MIAMI-DADE</p> <p>5</p> <p>6 I, FELICIA C. ORTEGA, Florida Professional Reporter,</p> <p>7 certify that I was authorized to and did stenographically</p> <p>8 report the deposition of PEPE CALDERIN, pages 1 through</p> <p>9 115; that a review of the transcript was requested; and</p> <p>10 that the transcript is a true record of my stenographic</p> <p>11 notes.</p> <p>12 I further certify that I am not a relative, employee,</p> <p>13 attorney, or counsel of any of the parties, nor am I a</p> <p>14 relative or employee of any of the parties attorneys or</p> <p>15 counsel connected with the action, nor am I financially</p> <p>16 interested in the action.</p> <p>17 Dated this 3rd day of August, 2012.</p> <p>18</p> <p>19  </p> <p>20 FELICIA C. ORTEGA, FPR</p> <p>21 Florida Professional Reporter</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

WITNESS LETTER

August 3, 2012

PEPE CALDERIN

7500 NE 4th Ct, Suite 104

Miami, Florida 33138

In Re: Triarch Architectural Services vs. Medallion Inc.

Please take notice that on the 25th day of August, 2012, you gave your deposition in the above cause. At that time you did not waive signature. The transcript is now available at our office for your review.

Please call (305) 373-8404 to schedule an appointment between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, at a U.S. Legal Support office located nearest you.

If you are a party in this action and your attorney has ordered a copy of this transcript, you may wish to read his/her copy of the transcript. In that event, please execute the Errata Sheet, which can be found at the back of the transcript, and return it to us for distribution to all parties. We have enclosed a self-addressed envelope for your convenience.

If you do not read and sign the deposition within a reasonable amount of time/30 days, the original, which has already been forwarded to the ordering attorney, may be filed with the Clerk of the Court. If you wish to waive your signature now, please sign your name in the blank at the bottom of this letter and return it to us.

Very truly yours,

FELICIA C. ORTEGA, FPR

Florida Professional Reporter

U.S. Legal Support, Inc.

One S.E. Third Avenue, Suite 1250

Miami, FL 33131

(305) 373-8404

I do hereby waive my signature.

PEPE CALDERIN

ERRATA SHEET

DO NOT WRITE ON THE TRANSCRIPT - ENTER CHANGES ON THIS PAGE

IN RE: Triarch Architectural Services vs. Medallion Inc.

PEPE CALDERIN

August 3, 2012

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Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

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